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# Assembly Proceedings

## Official Report

# Bengal Legislative Assembly

## Fifth Session, 1939

22nd, 23rd, 26th, 27th and 28th June, 1939

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1939

## GOVERNMENT OF BENGAL.

### GOVERNOR OF BENGAL.

His Excellency Sir JOHN ACKROYD WOODHEAD, K.C.S.I., C.I.E., I.C.S.

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(*2*) The Hon'ble Mr. NALINI RANJAN SARKER, in charge of the Finance Department.

(*3*) The Hon'ble Khwaja SIR NAZIMUDDIN, K.C.I.E., in charge of the Home Department

(*4*) The Hon'ble Sir BIJOY PRASAD SINGH ROY, in charge of the Revenue Department.

(*5*) The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca, in charge of the Departments of Local Self-Government and Industries.

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(*7*) The Hon'ble Mr. HUSEYAN SHAHEED SUHRAWARDY, in charge of Commerce and Labour and Rural Reconstruction Departments.

(*8*) The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur, in charge of the Judicial and Legislative Departments.

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(*10*) The Hon'ble Mr. MUKUNDA BEHARY MULLICK, in charge of the Co-operative Credit and Rural Indebtedness Departments.

(*11*) The Hon'ble Mr. TAMIZUDDIN KHAN, in charge of the Public Health, Medical, Agriculture and Veterinary Departments.

GOVERNMENT OF BENGAL.

## PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE ASSEMBLY.

SPEAKER.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.

DEPUTY SPEAKER.

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SECRETARY.

K. ALI AFZAL, Esq., Barrister-at-law.

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Rai N. N. SEN GUPTA Bahadur.

SECOND ASSISTANT SECRETARY.

Khan Sahib QUAZI MUHAMMAD SADRUL OLA.

REGISTRAR.

K. C. GHOSH, Esq.

# BENGAL LEGISLATIVE ASSEMBLY

## ALPHABETICAL LIST OF MEMBERS.

### A

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Abdul Hafiz Mia, Mr. [Kurigram South (Muhammadan).]

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Abdur Rauf, Khan Bahadur Shah. [Rangpur South (Muhammadan).]

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Abul Hosain Ahmed, Mr. [Netrokona North (Muhammadan).]

Abul Quasem Maulvi. [Hooghly (Muhammadan).]

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Ahmed Khan, Mr. Syed. [Noakhali South (Muhammadan.)]

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Aminullah, Khan Sahib Maulvi. [Noakhali Central (Muhammadan).]

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Azhar Ali, Maulvi. [Pabna East (Muhammadan).]

Azizul Haque, the Hon'ble Khan Bahadur M., C.I.E. [Nadia West (Muhammadan).]

## B

Banerjee, Dr. Suresh Chandra. [Calcutta and Suburbs (Registered Factories).]

Banerji, Mr. P. [24-Parganas North-West (General).]

Banerjee, Mr. Pramatha Nath. [Burdwan North-West (General).]

Banerjee Mr. Sibnath. [Howrah (Registered Factories).]

Banerji, Mr. Satya Priya. [Rajshahi (General).]

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Barma, Mr. Puspajit. [Rangpur (General).]
Barman, Babu Shyama Prosad. [Dinajpur (General).]
Barman, Babu Upendra Nath. [Jalpaiguri *cum* Siliguri (General).]
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Basu, Mr. Santosh Kumar [Calcutta East (General).]
Bell-Hart, Miss P. B. (Anglo-Indian Constituency.)
Bhowmik, Dr. Gobinda Chandra. [Midnapore East (General).]
Birkmyre, Sir Henry, Bart. [Hooghly *cum* Howrah (European).]
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Biswas, Mr. Rasik Lal. [Jessore (General).]
Biswas, Mr. Surendra Nath. [Faridpur (General).]
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Brasher, Mr. F. C. [Calcutta and Suburbs (European).]
Brown, Mr. A. O. [Calcutta and Suburbs (European).]

## C

Chakrabarty, Mr. Jatindra Nath. [Rangpur (General).]
Chakrabarty, Babu Narendra Narayan. [Bogra *cum* Pabna (General).]
Chattopadhyay, Mr. Haripada. [Nadia (General).]
Chippendale, Mr. J. W. (Anglo-Indian.)
Chaudhuri, Rai Harendra Nath. [24-Parganas Municipal (General).]
Clark, Mr. I. A. [Burdwan Division (European).]

## D

Das, Mr. Mahim Chandra. [Chittagong (General).]
Das, Babu Radha Nath. [Hooghly North-East (General).]
Das, Mr. Anukul Chandra. [24-Parganas North-West (General).]
Das, Rai Sahib Kirit Bhusan. [Murshidabad (General).]
Das, Mr. Monomohan. [Mymensingh East (General).]
Dass, Babu Debendra Nath. [Birbhum (General).]
Das Gupta, Mr. Khagendra Nath. [Jalpaiguri *cum* Siliguri (General).]

Das Gupta, Dr. J. M. [Calcutta Central (General).]

Das Gupta, Srijut Narendra Nath. [Bakarganj South-West (General).]

Datta, Mr. Dhirendra Nath. [Tippera (General).]

Dolui, Mr. Harendra Nath. [Jhargram *cum* Ghatal (General).]

Dutt, Mr. Sukumar. [Hooghly South-West (General).]

Dutta Gupta, Miss Mira. [Calcutta General (Women).]

Dutta Mazumdar, Mr. Niharendu. [Barrackpore (Registered Factories).]

## E

Edbar, Mr. Upendranath. [Bakarganj South-West (General).]

Emdadul Haque, Kazi. [Kurigram North (Muhammadan).]

## F

Farhad Raza Chowdhury, Mr. M. [Jangipur (Muhammadan).]

Farhat Bano Khanam, Begum. [Dacca (Muhammadan) Women.]

Fazlul Huq, the Hon'ble Mr. A. K [Patuakhali North (Muhammadan).]

Fazlul Qadir, Khan Bahadur Maulvi. [Chittagong North-West (Muhammadan).]

Fazlur Rahman, Mr. [Jamalpur East (Muhammadan).]

Fazlur Rahman, Mr. (Dacca University.)

French, Mr. F. H. (Bengal Chamber of Commerce.)

## G

Ganguly, Mr. Pratul Chandra [East Bengal Municipal (General).]

Ghose, Mr. Atul Krishna. [Jessore (General).]

Giasuddin Ahmed, Mr. [Jamalpur West (Muhammadan).]

Golam Sarwar Hosaini, Mr. Shah Syed. [Ramganj *cum* Raipur (Muhammadan).]

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Goswami, Mr. Tulsi Chandra. [Burdwan Division North Municipal (General).]

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Gupta, Mr. J. N. [Railway Trade Union (Labour).]

Gurung, Mr. Damber Singh. [Darjeeling (General).]

Gyasuddin Ahmed Chowdhury, Al-Hadj. [Madaripur East (Muhammadan).]

## H

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Hafizuddin Chowdhury, Maulvi. [Thakurgaon (Muhammadan).]

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Hirtzel, Mr. M. A. F. (Bengal Chamber of Commerce.)

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## J

Jalaluddin Ahmad, Khan Bahadur Maulvi. [Cox's Bazar (Muhammadan).]

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Jalan, Mr. I. D. [Calcutta West (General).]

Jasimuddin Ahmed, Mr. [24-Parganas South (Muhammadan).]

Jonab Ali Majumdar, Maulvi. [Chandpur East (Muhammadan).]

## K

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Khaitan, Mr. Debi Prosad. (Indian Chamber of Commerce.)

Khan, Mr. Debendra Lall. [Midnapore Central (General).]

Kumar, Mr. Atul Chandra. [Malda (General).]

Kundu, Mr. Nishitha Nath [Dinajpur (General).]

## M

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Mafizuddin Ahmed, Maulvi. [Tippera North (Muhammadan).]

Mafizuddin Choudhury, Maulvi. [Balurghat (Muhammadan).]

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Mandal, Mr. Amrita Lal. [Mymensingh West (General).]

Mandal, Mr. Banku Behari. [Burdwan North-West (General).]

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Mandal, Mr. Jagat Chandra. [Tippera (General).]

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Mohsin Ali, Mr. Md. [Meherpur (Muhammadan).]

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Morgan, Mr. G., C.I.E. [Presidency Division (European).]

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Muhammad Siddique, Khan Bahadur Dr. Syed [Bankura (Muhammadan).]

Muhammad Solaiman, Khan Sahib Maulvi [Barrackpore Municipal (Muhammadan).]

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Mukherji, Dr. Sharat Chandra [Birbhum (General).]

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Mullick, Mr. Pulin Behary. [Howrah (General).]

Mullick, Srijut Ashutosh. [Bankura West (General).]

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Mustagawsal Haque, Mr. Syed [Bagerhat (Muhammadan).]

Mustafa Ali Dewan, Maulvi. [Brahmanbaria North (Muhammadan).]

## N

Nandy, the Hon'ble Maharaja Sris Chandra, of Cossimbazar. (Presidency Landholders.)

Nasarullah, Nawabzada K. [Brahmanbaria South (Muhammadan).]

Nasker, Mr. Hem Chandra. [24-Parganas South-East (General).]

Nausher Ali, Mr. Syed. [Jessore Sadar (Muhammadan).]

Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E. [Calcutta North (Muhammadan).]

Nooruddin, Mr. K. [Hooghly *cum* Howrah Municipal (Muhammadan).]

Norton, Mr. H. R. (Calcutta Trades Association.)

## P

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Pain, Mr. Barada Prosanna. [Hooghly *cum* Howrah Municipal (General).]

Patton, Mr. W. C. [Darjeeling (European).]

Paul, Sir Hari Sankar. (Bengal National Chamber of Commerce.)

Pramanik, Mr. Tarinicharan. [Malda (General).]

## R

Rahman, Khan Bahadur A. M. L. [Rajshahi Central (Muhammadan).]

Raikut, the Hon'ble Mr. Prasanna Deb. [Jalpaiguri *cum* Siliguri (General).]

Rajibuddin Tarafdar, Maulvi. [Bogra East (Muhammadan).]

Ramizuddin Ahmed, Mr. [Tippera West (Muhammadan).]

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Razaur Rahman Khan, Mr. [Dacca South Central (Muhammadan).]

Roy, Mr. Patiram. [Khulna (General).]

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Roy, Kumar Shib Shekhareswar. (Rajshahi Landholders.)

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Roy, Mr. Dhananjoy. [Dacca East (General).]

Roy, Mr. Kamalkrishna. [Bankura East (General).]

Roy, Mr. Kiran Sankar. [Dacca West (General).]

Roy, Mr. Kishori Pati. [Jhargram *cum* Ghatal (General).]

Roy, Rai Bahadur Kshirod Chandra. (Chittagong Landholders.)

Roy, Mr. Manmatha Nath. [Howrah (General).]

S

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Sadaruddin Ahmed, Mr. [Bakarganj South (Muhammadan).]

Safiruddin Ahmed, Haji. [Rangpur North (Muhammadan).]

Salim, Mr. S. A. [Narayanganj North (Muhammadan).]

Sanaullah, Dr. [Chittagong North-East (Muhammadan).]

Sanyal, Dr. Nalinaksha. [Presidency Division Municipal (General).]

Sanyal, Mr. Sasanka Sekhar. [Murshidabad (General).]

Sarker, Babu Madhusudan. [Bogra *cum* Pabna (General).]

Sarker, the Hon'ble Mr. Nalini Ranjan. (Bengal National Chamber of Commerce.)

Sassoon, Mr. R. M. (Bengal Chamber of Commerce.)

Sen, Babu Nagendra Nath. [Khulna (General).]

Sen, Rai Bahadur Jogesh Chandra. [24-Parganas South-East (General).]

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Shahabuddin, Mr. Khwaja, C.B.E. [Narayanganj South (Muhammadan).]

Shahedali, Mr. [Matlabbazar (Muhammadan).]

Shamsuddin Ahmed, Mr. [Kusthia (Muhammadan).]

Shamsuddin Ahmed Khandkar, Mr. [Gopalganj (Muhammadan).]

Shamsul Huda, Maulana. [Mymensingh South (Muhammadan).]

Singha, Babu Kshetra Nath. [Rangpur (General).]

Sinha, Srijut Manindra Bhusan. [Bankura West (General).]

Sirdar, Babu Litta Munda. [Bengal Dooars (Western) Tea Garden Labour.]

Smith, Mr. H. Brabant. [Rajshahi Division (European).]

Steven, Mr. J. W. R. [Dacca (European).]

Suhrawardy, the Hon'ble Mr. H. S. [24-Parganas Municipal (Muhammadan).]

Sur, Mr. Harendra Kumar. [Noakhali (General).]

T

Tamizuddin Khan, the Hon'ble Mr. [Faridpur West (Muhammadan).]

Tapuriah, Rai Bahadur Moongtu Lall. (Marwari Association.)

Thakur, Mr. Promatha Ranjan. [Faridpur (General).]

Tofel Ahmed Choudhury, Maulvi Haji. [Bhola South (Muhammadan).]

## W

Waliur Rahman, Maulvi. [Jessore East (Muhammadan).]

Walker, Mr. W. A. M. (Indian Jute Mills Association.)

Warren, Mr. P. F. S. (Bengal Chamber of Commerce.)

Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

## Y

Yusuf Ali Choudhury, Mr. [Faridpur East (Muhammadan).]

Yusuf Mirza. [24-Parganas Central (Muhammadan).]

## Z

Zahur Ahmed Choudhury, Maulvi [Malda North (Muhammadan).]

Zaman, Mr. A. M. A. [Hooghly *cum* Serampore (Registered Factories) Labour.]

# THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

**(Official report of the Fifth Session.)**

**Volume LIV—No. 11.**

## Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 22nd June, 1939, at 4-45 p.m.

**Present:**

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 197 members.

## STARRED QUESTIONS

**(to which oral answers were given)**

### Filling up of the post of Marketing and Publicity Officer of Industries Department.

*517. **Dr. MAFIZUDDIN AHMED:** Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

(*a*) whether the post of Marketing and Publicity Officer was advertised for a B.Com. or an M.Com.;

(*b*) whether the said post was subsequently filled up by promotion by an undergraduate Hindu officer in supersession of the claims of the Industrial Surveyor;

(*c*) if so, what are the reasons;

(*d*) whether it is a fact that the former Industrial Surveyor was promoted to the post of Personal Assistant to the Director of Industries in supersession of his senior, the present Industrial Surveyor; and

(*e*) if so, what are the reasons?

**MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca):** (*a*) The essential qualifications required according to the advertisement were (*i*) experience of statistical work and of lecture and propaganda work and (*ii*) experience of the work and problems of cottage and small industries. The advertisement also stated that preference would be given to a graduate in Economics or Commerce possessing the essential qualifications mentioned above.

(*b*) and (*c*) The post was filled up by Mr. A. Mukherjee who was then serving as a temporary Industrial Surveyor and possessed intimate knowledge of business conditions, the personality and general qualities necessary for a business salesman and considerable experience in publicity work including delivery of broadcast lectures and, as such, was considered by the Selection Committee to be the most suitable for the post. There was another Industrial Surveyor who also applied but the Selection Committee did not find him suitable. The appointment was made in 1935 before the present Government came into office.

(*d*) and (*e*) There were two Industrial Surveyors and the present Personal Assistant to the Director of Industries was the junior of the two. He was appointed the Industrial Officer of the Detenu Training Scheme in view of his special aptitude and suitability for the work required of the post. When the post of Personal Assistant to the Director of Industries was created, the post of the Industrial Officer of the Detenu Training Scheme was merged into the post of Personal Assistant. The incumbent of the post of Industrial Officer of the Detenu Training Scheme was accordingly appointed to the new post of Personal Assistant.

## Use of newspapers by the students of Bengal Mainamati Survey School, Comilla.

***518. Mr. HARENDRA KUMAR SUR:** (*a*) Is the Hon'ble Minister in charge of the Industries Department aware—

(*i*) that the Superintendent of Bengal Mainamati Survey School, Comilla, has served a notice upon the Hindu students of the Boarding attached to the school prohibiting them to read the *Ananda Bazar Patrika;* and

(*ii*) that they have been asked to read *Statesman*, *Star of India*, *Amrita Bazar Patrika* and *Azad* only?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of withdrawing the said order immediately?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** (*a*) No.

(*b*) Does not arise.

**Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister be pleased to state whether for the reading room the *Statesman* and the *Amrita Bazar Patrika* are allowed to be subscribed and no other paper?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** That may be the information of the honourable member, but I believe it is not so.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state if it is a fact that the Superintendent of the Mainamati Survey School has banned any newspaper from entering the school premises?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** That is very difficult to answer. I could not say offhand. I want notice.

**Mr. DHIRENDRA NATH DATTA:** The Hon'ble Minister in reply to my previous question has said "I believe." Will the Hon'ble Minister be pleased to state what is the basis of his belief?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** From the reports received.

**Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister be pleased to state if the report contained that for the reading room no other papers than the *Statesman* and the *Amrita Bazar Patrika* are allowed to be subscribed?

**Mr. SPEAKER:** That question does not arise.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state whether there was any *golmal* over the reading of *Ananda Bazar Patrika* in the said school?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** To the question whether any notice was served by the Superintendent I replied "No." I do not understand how the question of *golmal* can arise.

**Mr. DHIRENDRA NATH DATTA:** *Will the Hon'ble Minister* be pleased to state if the Government is prepared to allow the *Ananda Bazar Patrika* to be subscribed for the reading room of that school?

**Mr. SPEAKER:** That question does not arise.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state whether his attention was drawn to the newspaper report to the effect that there was a *golmal* over the access of the *Ananda Bazar Patrika* into the school?

**Mr. SPEAKER:** That question does not arise. There will be a great *golmal* if I allow this question. (Laughter.)

**Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister be pleased to state whether Government will allow the *Ananda Bazar Patrika* to be read by the students of the survey school?

**Mr. SPEAKER:** That is a request for action.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to state whether Government will consider the desirability of communicating to the Mainamati Survey School authorities that there should not be any restriction in the matter of reading the *Ananda Bazar Patrika* or any other paper for the matter of that?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I have stated that the Superintendent has not prevented any paper, I mean the *Ananda Bazar Patrika* or the *Amrita Bazar Patrika*, being read there.

**Mr. DHIRENDRA NATH DUTTA:** Will the Hon'ble Minister consider the desirability of communicating to the authorities of the Mainamati School that there is no ban on the *Ananda Bazar Patrika*?

**Mr. SPEAKER:** After the previous one this question does not arise.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state whether the answer "No" relates to (*a*)(*i*) or (*a*)(*ii*)?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** Both.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state in that event if there has been any restrictive order, instruction or advice by any Government servant or anyone connected with the administration of the Bengal Mainamati Survey School issued to the students of that school to the effect that *Ananda Bazar Patrika* should not be read?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** No such notice of restriction has been issued.

**Dr. NALINAKSHA SANYAL:** My question was not with regard to the notice served by the Superintendent of the Mainamati School only. I could quite understand that there may not have been any notice or a notice by that particular gentleman and the answer would obviously be "No." I would like to enquire of a specific matter. I would like to enquire of the Hon'ble Minister if there has been any direction, notice or otherwise, any advice by the Superintendent or any othr officer?

**Mr. SPEAKER:** I am afraid it is not a specific question.

**Dr. NALINAKSHA SANYAL:** The question is very specific.

**Mr. SPEAKER:** You can ask generally whether there was any restrictive order.

**Dr. NALINAKSHA SANYAL:** I am asking, Sir, whether there has been any restrictive order or instruction issued by anybody. It may be by notice or otherwise.

**Mr. SPEAKER:** I am afraid you have to put separately. Here is the specific question of notice and how can you say whether the Superintendent or any other gentleman issued any restrictive order about the reading of newspapers?

**Dr. NALINAKSHA SANYAL:** The authorities of educational institutions very often send for students and give them instructions which may not be in the form of a notice and the Hon'ble Minister may very well say "No."

**Mr. SPEAKER:** You may ask whether there is any restrictive order.

**Dr. NALINAKSHA SANYAL:** Let me have the question put in the form in which you are pleased to admit it. Has there been any attempt at a restrictive order for the exclusion of the *Ananda Bazar Patrika* from the Mainamati Survey School or the hostels attached to the school?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** As far as I am aware, there is no such restrictive order.

## UNSTARRED QUESTIONS

**(answers to which were laid on the table)**

### Tour of Subdivisional Officers.

**253. Maulvi ABDUR RAZZAK:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) whether there is any rule or instruction laying down the number of days in a month the Subdivisional Officers are permitted to be on tour; and

(*ii*) what arrangements are made in their absence for the disposal of ready cases at the headquarters' Court?

(*b*) Will the Hon'ble Minister be pleased to state for the month of January last—

(*i*) how many days the Subdivisional Officer of Feni (Noakhali) was out;

(*ii*) how many days was he in office; and

(*iii*) the nature of the works done by him during the period?

**MINISTER in charge of the HOME DEPARTMENT: (the Hon'ble Khwaja Sir Nazimuddin):** (*a*)(*i*) No. There are orders in force however which prescribe that they shall not be on tour for less than 90 days in a year.

(*ii*) The Second Officers remain in charge and so far as is possible cases ready for trial are transferred to Magistrates competent to try them.

(*b*) (*i*) 12 days.

(*ii*) 12 days.

(*iii*) The normal duties of a Subdivisional Officer to which was added a special and successful effort in rural reconstruction.

**Mr. PROMATHA RANJAN THAKUR:** With reference to answer (*a*) (*I*), sometimes the Subdivisional Officers are seen to preside over public meetings, prize-giving meetings, etc. Are they paid from public revenues for those tours?

**Mr. SPEAKER:** That question does not arise. Whether they are distributing prizes or going to the dinners of another gentleman is quite a separate question.

**Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister be pleased to tell us what is the nature of rural reconstruction work done by the Subdivisional Officer in the month of January, 1939?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I can read out the detailed work done by the Subdivisional Officer during the month of January, 1939.

**Mr. SPEAKER:** I have passed over that question, but in view of the fact that the Hon'ble Sir Nazimuddin is willing to answer the question, I am prepared as a special case to waive the rule.

**Mr. DHIRENDRA NATH DATTA:** What is the nature of rural reconstruction work on which the Subdivisional Officer was engaged in the month of January, 1939?

**The Hon'ble Khwaja Sir NAZIMUDDIN:**

*6th January*—To Noakhali for meeting District Magistrate for important consultations. Back to headquarters after performing the opening ceremony of the newly established Ataturk High School at Daganbhuiya *en route*.

*8th*—To Daganbhuiya and back in connection with the above school and rural reconstruction work.

*11th*—To Pathanagar and back for inspection of union board and construction of Pathannagar *bundh* by voluntary labour of the local people.

**Mr. SPEAKER:** He did not ask that question. He simply asked what was the nature of the rural reconstruction work. It is no use reading that.

**Mr. SASANKA-SEKHAR SANYAL:** If the Hon'ble Minister is permitted to read, there will be no necessity for many supplementary questions.

**Mr. SPEAKER:** You may say what is the nature of the rural reconstruction work.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Through his activities rural reconstruction work was done to the value of Rs. 11,231 by voluntary labour in thana Feni, of 5,637 in Ghopal and of Rs. 16,128 in thana Chhagalnaiya. Altogether a grand total of Rs. 34,968 worth of earthwork was done practically by voluntary labour. There has also been anti-thumb impression campaign. A number of illiterates learnt how to sign their names as the result of the Anti-Thumb Impression Campaign during the Rural Reconstruction Fortnight inaugurated in February last. The following works have also been done in the interests of rural welfare:—

(*i*) One high school named Ataturk High School, established at Daganbhuiya under Udrajpur Union of Feni thana.

(*ii*) One middle English school established at Joynarayanpur under Rajapur Union.

(*iii*) One village charitable dispensary under Pathannagar Union of thana Chhagalnaiya. Another dispensary under Parasuram Union is now under construction.

(*iv*) Hundred and one tube-wells sunk under different unions of the subdivision out of Government grants and local contributions. This is exclusive of the tube-wells (over 75) sunk by the District Board of Noakhali, separately out of its own grants.

**Dr. NALINAKSHA SANYAL:** Were all these done in the month of January?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** These were all done during the course of the year.

**Dr. NALINAKSHA SANYAL:** The question was about January.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Some of these were done in the month of January.

(*v*) Five *idgahs* have been made under Feni, Mahamaya, Ghopal, Rajapur and Mirzanagar Unions. The Feni Idgah named Mizan Maidan was constructed by about 40,000 people from all over the subdivision.

(*vi*) Nine *khals* have been re-excavated under Radhanagar, Ghopal Mahamaya, Pathannagar and Sonagazi Unions.

(*vii*) A number of tanks re-excavated and considerable volume of jungle-clearing done throughout the subdivision.

(*viii*) Several model village schemes energetically pushed through.

**Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister be pleased to tell us if it is a fact that in the month of January during the construction of Idgah in the town of Feni leaflets were distributed exciting communal passion?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I strongly repudiate the suggestion. The work was done in which the co-operation of both Hindus and Mussalmans was obtained.

**Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister be pleased to tell us whether the construction of Idgah in the town of Feni is deemed to be rural reconstruction work?

**Mr. SPEAKER:** You are digressing yourself from the question. You are really getting excited.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** May I answer that question? In a subdivision where more than 80 per cent. of the population are Mussalmans, if facilities are provided for their religious observance, I consider them as work of rural reconstruction.

**Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister be pleased to tell us whether leaflets exciting communal passion were distributed in the month of January resulting in communal riot in the district of Noakhali?

**Mr. SPEAKER:** That question does not arise.

**Mr. PROMATHA RANJAN THAKUR:** With reference to answer (*a*), will the Hon'ble Minister be pleased to tell us whether the Subdivisional Officers are paid for all the tours they make during these 90 days?

**Mr. SPEAKER:** That question does not arise.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state, with reference to his last answer, if the Subdivisional Officers and other District Officers have been given instructions to see

to the proper performance of religious ceremonies both in the areas where Hindus predominate as well as in areas where Mussalmans predominate?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** The essence of Government instructions is that we treat both communities equally.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if there is any single instance in which any Government official and, particularly, a Subdivisional Officer, has helped in the construction of a temple for the Hindus?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** There have been numerous occasions.

**Dr. NALINAKSHA SANYAL:** Will you kindly name one?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I believe that something of the kind has been done in Feni itself, but I cannot exactly name the thing at the present moment.

**Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister be pleased to state if these officers are given instructions on religious subjects such as Theology before they go into the mufassal to give religious instruction?

**Mr. SPEAKER:** That question does not arise.

**Purpose of Registrar of Co-operative Societies' visit at Bogra.**

**254. Khan Bahadur Dr. SYED MUHAMMAD SIDDIQUE:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that the Registrar—

(*i*) visited Bogra on 28th May, 1939, at 7-30 p.m.; and

(*ii*) left the place at 11-45 p.m. on the same day after a halt of 4¼ hours?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the nature of work done by him in such a short time on Sunday after office hours; and

(*ii*) whether there are any Government directions in connection with tours of this officer?

**MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick):** (*a*) Yes.

(*b*) (*i*) He discussed programme of new organisations and distribution of crop loans with the local officers and the Secretary, Bogra Central Bank.

(*ii*) No.

**Hooghly Central Co-operative Bank Fraud Case.**

**254A. Mr. DHIRENDRA NARAYAN MUKERJI:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit Department be pleased to state whether any enquiry has been made into the allegations contained in the confessional statement of Babu Satyadayal Basu, during the trial of the Hooghly Central Co-operative Bank Fraud Case against certain officers of the Co-operative Department?

(*b*) If so, with what result?

(*c*) If no inquiry has been made, what are the reasons?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** (*a*) Yes.

(*b*) No dereliction of duty or dishonesty was established against any of the departmental officers.

(*c*) Does not arise.

**Dr. NALINAKSHA SANYAL:** With reference to answer (*a*) "Yes," will the Hon'ble Minister be pleased to state the names of the officers against whom references were made by Babu Satyadayal Basu and the nature of the complaints made by him?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** The question (*a*) itself refers to the allegations made against the officer, and it asks whether they were or were not enquired into. I submit this question does not therefore arise.

**Mr. SPEAKER:** What is your question?

**Dr. NALINAKSHA SANYAL:** The question is, who were the officers referred to by Babu Satyadayal Basu and what were the allegations? My point is that here the question is the property of the House.

**Mr. SPEAKER:** But for the time beng, when the Hon'ble Minister is replying it is within my jurisdiction.

The question is whether those allegations were enquired into, and it asks whether those allegations were made agaipst certain officers, and you say, "Yes." He wants further to know the names of the officers.

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** Sir, I would not disclose the name of the officer in the public interest.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state the names of the offices these officers held?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** The Inspector of Co-operative Societies, Hooghly.

**Dr. NALINAKSHA SANYAL:** Is that the only officer?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** Yes, Sir.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to look at the question where certain officers have been mentioned and in the answer he says, "Yes"? May I take it——

**Mr. C. MILLAR:** Is cross-examination permitted in a question, Sir?

**Mr. SPEAKER:** I am afraid, Dr. Sanyal, I should at this stage intervene because when a statement is brought out which might be the subject matter of a criminal investigation, it is not desirable from the parliamentary point of view to mention any name.

**Dr. NALINAKSHA SANYAL:** The right of questioning is one of the most valuable rights given in a parliamentary form of government, particularly where the British model is followed; and I am surprised that a Britisher tries to restrict such a privilege.

**Mr. SPEAKER:** I have not crossed the sea, but I think that if England has followed that practice, it has been entirely wrong. It is in consonance with sound sense that here in our Parliament we should not at least bring in such things which might be the subject matter of a criminal investigation.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state the nature of the allegations brought against that officer?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** Allegations were made by the accused in his statement.

**Mr. SPEAKER:** What is the nature of the allegations made in the form of a statement?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** One of the officers was an idler and did not pay proper attention to his duties.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if dishonesty was one of the allegations referred to?

**Mr. SPEAKER:** How does that arise?

**Dr. NALINAKSHA SANYAL:** Because his reply (*b*) says that no dereliction of duty or dishonesty was established.

Sir, I submit that I would not have any necessity of asking further supplementaries if the Hon'ble Minister gave a full and complete reply to the House and did not try to suppress facts.

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** Sir, this was enquired into, but so far as the allegations were concerned, I have given in general what the nature of the allegations was; and if in reading this it means dishonesty, it may be there, but it is nothing but a mere inference.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state who enquired into these allegations and who were the officer or officers concerned that came to the conclusion as referred to in answer (*b*)?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** The Assistant Registrar of Co-operative Societies, Burdwan Division, enquired into the allegations and later on submitted a report, which was subsequently examined by the Deputy Registrar.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if in the course of that fraud case the name of that Assistant Registrar, Burdwan Division, was mentioned?

**Mr. SPEAKER:** That question does not arise.

**Dr. NALINAKSHA SANYAL:** Sir, my submission is that it does in this sense that he was one of those very officers who were in the position of the accused when he was asked to investigate and Government took their decision on his report.

**Mr. SPEAKER:** Dr. Sanyal, I have very carefully considered the matter, and I can assure you that the form in which this question ought to have been admitted gave me a great deal of anxiety after which I admitted it. But I am perfectly clear in my own mind what is relevant and what is not. I do not think this question is relevant.

**Dr. NALINAKSHA SANYAL:** I do not question your ruling, Sir. I submit that you will kindly help the House in carrying on a running examination of the affairs of Government which is the very purpose of our questions. We do not put questions for curiosity's sake. If you read Harold Lasky's——

**Mr. SPEAKER:** I am not prepared to take Harold Lasky's *obiter dictum* in the matter. I have got my common sense and I exercise it. Had Mr. Harold Lasky come to India, I am sure, he would have taken a quite different view.

**Dr. NALINAKSHA SANYAL:** I submit to your ruling, Sir, that for a slave race like us we should have a different parliamentary practice. Thank you, Sir.

### Mr. A. Halim, Inspector of Co-operative Societies.

**238. Mr. DHIRENDRA NARAYAN MUKERJI:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that Mr. A. Halim, the then Inspector of Co-operative Societies, was in charge at the same time of the Hooghly Central Co-operative Bank as well as of the Chatra and Chatra-Serampore Co-operative Societies?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state for what period or periods he held charge as aforesaid?

(*c*) Is the Hon'ble Minister also aware—

(*i*) that the said Inspector was in charge of the audit of the said Bank for the three years 1930-31, 1931-32 and 1st July, 1932, to 30th June, 1933;

(*ii*) that facsimile signature stamp was used by him in verification slips issued to depositors of the said bank during audit; and

(*iii*) that Satyadayal Basu, implicated the said Inspector in the confessional statement during the trial of the Hooghly Central Co-operative Bank fraud case?

(*d*) If the answer to (c) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether any enquiry was made into the matter; and

(*ii*) if so, with what result?

(*e*) Is the Hon'ble Minister also aware—

(*i*) that in the cash-book of the Hooghly Central Co-operative Bank on the expenditure side there is an entry on 24th (or 23rd) May, 1933, of Rs. 3,000 cash and Rs. 3,000 by cheque (demand draft) having been sent to the Bengal Provincial Co-operative Bank, without any corresponding entry for the cheque of Rs. 3,000 on the receipt side; and

(*ii*) that the trying Judge in the sessions case (Emperor *vs.* J. P. Basu, S. D. Basu and Indu B. Banerjee, 1937, at Hooghly) made reference to this omission in his charge to the jury?

(*f*) Did the Co-operative Inspector check and audit these entries and detect the discrepancy?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether it was incorporated in his audit report; and

(*ii*) if so, what action, if any, was taken on that report?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** (*a*) and (*b*) Maulvi A. Halim held the combined charge of the Hooghly Central Co-operative Bank and the Serampore Circle for a short period from May, 1933, to 12th August, 1933.

(*c*) (*i*) He was in charge of the audit of the Hooghly Central Bank only from 1931 to 1933.

(*ii*) He issued verification slips over his facsimile signature to the depositors of the Hooghly Central Bank for the purpose of audit.

(*iii*) Satyadayal Basu made allegations against Maulvi A. Halim and many other Co-operative officers who were stationed at Hooghly or Serampore.

(*d*) An enquiry was held and it was found that the allegations were false and malicious made with a view to exonerating his brother and co-accused Babu Jagadish Prosad Basu, ex-Secretary of the Hooghly Central Bank.

(*e*) (*i*) From an examination of the cash-book of the Hooghly Central Bank it appears that on the 24th May, 1933 a sum of Rs. 6,000 in cash

and draft was remitted to the Provincial Bank. There was no entry of any cheque of Rs. 3,000 on that date on the receipt side.

(*ii*) Yes.

(*f*) and (*g*) The Inspector checked the entry of remittance of Rs. 6,000 to the Provincial Bank. But as the Central Bank did not maintain any register of cheques in spite of audit objections, it was not possible for him to detect any discrepancy in respect of receipt and encashment of cheques. He made an observation to this effect in his audit note.

As a result of the Inspector's observation in the audit note, the Assistant Registrar passed audit orders on the bank to open a cheque register. The bank subsequently opened a cheque register.

## STARRED QUESTION

**(to which oral answer was given)**

### Formation of trade unions.

***516. Dr. SURESH CHANDRA BANERJEE:** (*a*) Has the attention of the Hon'ble Minister in charge of the Commerce and Labour Department been drawn to the declaration made on page 17 in "A resumé of the Bengal Government's activities since April, 1937", published in August, 1938, that "Government have decided to promote and to encourage the formation of trade unions, etc."?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, have been taken to promote or encourage the formation of trade unions, during 1938-39?

(*c*) If no step has been taken as yet, will the Hon'ble Minister be pleased to state what steps do the Government contemplate taking to promote and encourage the formation of trade unions?

**MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy):** (*a*) Yes.

(*b*) and (*c*) I have attempted to promote and encourage the formation of trade unions in various ways. I have advised the labourers on all possible occasions to organise themselves into trade unions and to rely on collective bargaining rather than on individual representations. I have been impressing upon the employers that even in their own interests and in the interests of industrial peace they should give recognition to trade unions properly constituted and should treat such trade unions and their office-bearers with consideration. I have given practical recognition to constitutional trade unions, and I receive deputations and representations from such trade unions, and I endeavour to

redress their grievances and get the employers to meet their wishes as far as possible. I give preference to representations received through constitutional trade unions over representations received from individuals who are not members of any trade union and I advise every labourer to become a member of a trade union. The officers of the Labour Department who have been appointed conciliators are mediating and are always prepared to mediate in any trade disputes to which constitutional trade unions are a party. They are making every effort to get the employers to recognise such trade unions. I am endeavouring to secure from the employers special facilities for recognised trade unions and their members. I am framing rules for recognition of trade unions by Government and I am assisting the employers and I am ready to assist any employer to frame rules under which trade unions may be recognised. I am prepared to recognise trade unions that apply to me for recognition if they conform to certain standards. Without formal recognition having been given to any trade union in the absence of any rules, I have given them practical recognition by taking action on their grievances and by dealing with their office-bearers and receiving deputations from such trade unions.

**Short-notice question.**

**Babu NAGENDRA NATH SEN:** May I enquire, Sir, whether the Hon'ble Minister in charge of the Commerce Department will be pleased to give an answer to the short-notice question that I put in on Tuesday last on *fatka* in the East India Jute Association?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I could not exactly follow the honourable member. Did he say that he put in a question?

**Babu NAGENDRA NATH SEN:** Yes, Sir

**The Hon'ble Mr. H. S. SUHRAWARDY:** I have not yet received it.

**Dr. NALINAKSHA SANYAL:** The question was regarding the Hon'ble Minister's interview with the East India Jute Association or the Board of Control.

**Mr. SPEAKER:** I am afraid our department will have to take responsibility in the matter. I understand that owing to some unfortunate circumstances the question was mislaid and could not be traced for long. However, we will take immediate steps in the matter. I am very sorry, but that is a fact which I have to admit.

## GOVERNMENT BILL.

### The Bengal Money-lenders Bill, 1939.

*Clause 39.*

**Mr. SURENDRA NATH BISWAS:** Mr. Speaker, Sir, we have got a new amendment to clause 39. This has been circulated to us only to-day. Will not the Hon'ble Minister move it formally?

**Mr. SPEAKER:** Yes. I am just asking him to do so.

Mr. Suhrawardy, it is not for me to make any suggestion, but it seems to me that you are making the officer of a body corporate responsible in clause 39. Are not you?

**The Hon'ble Mr. H. S. SUHRAWARDY:** The officer who is knowingly and wilfully a party—only that officer.

**Rai HARENDRA NATH CHAUDHURI:** But if instead of being responsible for the act he is simply a party, will he then be liable?

**Mr. SPEAKER:** We will take up that matter after evening. In the mean time, we can proceed with clause 41.

*Clause 41.*

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, clause 41 incorporates certain other matters which during discussions on the floor of this House cropped up, and for which rules will have to be framed. Therefore, I beg to move, Sir, that, in clause 41(2)—

(*1*) before sub-clause (*a*) the following be inserted—

" "(*a1*) the conditions referred to in the proviso to section 2A;"

(*2*) in sub-clause (*hh*) for the words "the Provincial Registrar" the words "a Competent Court or by a Registrar," be substituted, and

(*3*) after sub-clause (*l*) the following be inserted:—

"(*la*) the form in which information shall be supplied to an assignee under clause (*b*) of sub-section (*1*) of section 25;"

"(*lb*) the form in which notice shall be given by the plaintiff to the defendant under sub-clause (*ii*) of clause (*a*) of sub-section (*1*) of section 33, and by the decree-holder to the judgment-debtor under sub-section (*2*) of that section;"

lieve, Sir, that this covers all the new clauses that have been put

**Mr. DHIRENDRA NATH DATTA:** Mr. Speaker, Sir, with respect to——

**Mr. SPEAKER:** I will draw the Hon'ble Minister's attention to that point later on. Is it about what you spoke to me yesterday?

**Mr. DHIRENDRA NATH DATTA:** Not that, Sir. In clause 13 now renumbered as clause 16 under sub-clause (*5*) it has been laid down that a competent court shall receive applications for revision. I think, Sir, that a fee should be prescribed.

**Mr. SPEAKER:** That is a matter which we will take up later on. For the time being, I shall put the amendment of the Hon'ble Mr. Suhrawardy to vote. I hope there is no objection to this.

The motion of the Hon'ble Mr. H. S. Suhrawardy that, in clause 41(*2*)—

(*1*) before sub-clause (*a*) the following be inserted—

"(*a1*) the conditions referred to in the proviso to section 2A;"

(*2*) in sub-clause (*bb*) for the words "the Provincial Registrar" the words "a Competent Court or by a Registrar," be substituted, and

(*3*) after sub-clause (*l*) the following be inserted:—

"(*la*) the form in which information shall be supplied to an assignee under clause (*b*) of sub-section (*1*) of section 25;

(*lb*) the form in which notice shall be given by the plaintiff to the defendant under sub-clause (*ii*) of clause (*a*) of sub-section (*1*) of section 33, and by the decree-holder to the judgment-debtor under sub-section (*2*) of that section;" was then put and agreed to.

**Mr. SPEAKER:** There are one or two points to which I should like to draw the attention of the Hon'ble Mr. Suhrawardy at this stage, so that as soon as possible he might make particular note of that. First of all, I will take up clause 4 of the printed list which I gave him yesterday.

I am thankful to Mr. Dhirendra Nath Datta for drawing my attention to some of the points, and I have gone through the matter myself. What strikes me is that certain changes are necessary. For instance, in clause 4, section 14 is mentioned. That is a printing mistake. When this Bill was drafted, one section was referred to and now two sections are referred to. In view of that, the Hon'ble Mr. Suhrawardy will consider whether any change is necessary in clause 4. In the printed sheet, these sections are 16 and 19. Then you will be able to find out whether a consequential change will be necessary. Similarly in clause 5, Mr. Suhrawardy, you will have to consider whether it will be necessary to incorporate the other sections also.

Then there is one other point which you will please consider. In sub-section (7) of section 16, it is stated that sections 4, 5 and 12 of the Indian Limitation Act shall apply to all appeals and applications for revision. When this Bill was drafted, revision was possible only by the Provincial Registrar. Now, you have changed it to "the Competent Court". You will consider whether, in view of this, it is necessary to apply the provisions of sections 4, 5 and 12 of the Indian Limitation Act and whether any consequential change is necessary on that account.

The third point is about section 17. You will find towards the last but one line that after the Sub-Registrar cancels a licence, the provisions of clause (*a*) of sub-section (*2*) and of sub-section (*3*) of section 16 shall apply. Is it not desirable for you to consider whether the provisions of other sub-sections of that section shall apply or not?

**Maulvi MUHAMMAD ISRAIL:** Sir, there have been some omissions in sub-section (*24*) of section 2.

**Mr. SPEAKER:** I am coming to that. I have not taken up that point yet.

**Mr. SPEAKER:** Now, in clause 24 probably the draft will have to be slightly changed. Instead of "shall be written the same in Bengali," it should be "the same shall be written in Bengali."

As regards sub-section (*6*) of section 16, it may be pointed out that this section was originally drafted on the basis that a decision on revision was to be considered by the Provincial Registrar. Now that was why it was desired to have the procedure to be followed by the Provincial Registrar or by a Registrar in proceedings under this section to be in accordance with rules prescribed under this section. Now, the Provincial Registrar has been done away with. Therefore, it is probably desirable to consider whether "the Provincial Registrar" should at all be there. Instead of that, I think, it should be "Competent Court."

These are some of the things which the Hon'ble Minister should consider.

**Maulvi MUHAMMAD ISRAIL:** Sir, there is an omission in sub-section (*24*) of section 2 in the new printed Bill, namely, "suit to which this Act applies" means any suit or proceeding—the words "or proceeding" have been dropped.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, that is an important omission.

**Dr. NALINAKSHA SANYAL:** I think that was dropped by the House.

**Maulvi MUHAMMAD ISRAIL:** No, that was not dropped by the House.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, there are certain errors that have cropped up in this printed book. We shall point them out to you.

**Mr. SPEAKER:** I think, it will be better if these are consolidated.

**Mr. JOGESH CHANDRA GUPTA:** The best thing would be to add at the end a clause saying "errors and omissions excepted"!

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, may I point out that the items which you have been kind enough to point out are really consequential amendments. So, would you like them to be pointed out on the floor of the House?

**Mr. SPEAKER:** Yes.

**Mr. SURENDRA NATH BISWAS:** With regard to amendment No. 1336A(*1*), I would suggest that the court——

**Mr. SPEAKER:** I am not taking up that amendment just now. I am taking up clauses 28 and 29 now. There is only one comprehensive amendment of the Hon'ble Mr. Suhrawardy on clause 29. Can we take that up first?

*Clause 28.*

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, we had better take up section 28 first.

**Mr. SPEAKER:** All right, have you got any amendment on clause 28?

**The Hon'ble Mr. H. S. SUHRAWARDY:** No, Sir.

**Mr. DHIRENDRA NATH DATTA:** I think, the new amendment No. 38 on clause 28 was moved and accepted—that is only a drafting improvement.

**Mr. SPEAKER:** I think you remember, Mr. Suhrawardy, that so far as clause 28 is concerned there is one amendment that was carried.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir.

**Mr. DEBI PROSAD KHAITAN:** I beg to move that clause 28(*1*)(*a*) be omitted.

**Maulvi ABU HOSSAIN SARKAR:** I beg to move that in clause 28(*1*)(*a*), line 4, the words "one and half" be substituted for the word "Twice."

I beg to move that in clause 28(*1*)(*a*), line 4, the words "one and three-fourths" be substituted for the word "Twice."

**Mr. JATINDRA NATH BASU:** I beg to move——

**Mr. SPEAKER:** Mr. Basu, this amendment is exactly the same as the Government amendment which has been carried; so it does not arise.

**Mr. DEBI PROSAD KHAITAN:** I beg to move——

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, this amendment does not arise. Probably Mr. Khaitan does not know that the Government amendment which has been carried renders it unnecessary, and which runs to this effect:—"... on account of interest outstanding on the date up to which such liability is computed, a sum greater than the principal outstanding on such date."

**Mr. SPEAKER:** Mr. Khaitan, your amendment does not arise.

**Mr. DEBI PROSAD KHAITAN:** Yes, Sir, I quite see. I was not present at the time the Government amendment was passed.

**Maulvi ABU HOSSAIN SARKER:** I beg to move that in clause 28(*1*)(*b*), in line 1, the word "half" be inserted after the word "than."

I beg to move that in clause 28(*1*)(*b*), in line 1, the word "three-fourths" be inserted after the word "than."

I beg to move that in clause 28(*1*)(*c*)(*i*), in line 1, the word "four-half" be substituted for the word "ten."

**Mr. SHAHEDALI:** I beg to move that in clause 28(*1*)(*c*)(*i*), line 1, for the words "ten per centum" the words "five per centum more than bank rate on the date of transaction" be substituted.

**Babu NAGENDRA NATH SEN:** I beg to move that in clause 28(*1*)(*c*)(*i*) for the word "ten" the words "seven and a half" be substituted.

**Mr. DHIRENDRA NATH DATTA:** I beg to move that in clause 28(*1*)(*c*)(*i*), line 1, for the word "ten" the word "nine" be substituted.

**Mr. DEBI PROSAD KHAITAN:** I beg to move that in clause 28(*1*)(*c*)(*i*) for the word "ten," the word "twelve" be substituted

**Mr. SHAHEDALI:** I beg to move that in clause 28(*1*)(*c*)(*ii*), line 1, for the words "eight per centum" the words "two per centum more than bank rate on the date of transaction" be substituted.

**Maulvi ABU HOSSAIN SARKAR:** I beg to move that in clause 28(*1*)(*c*)(*ii*), line 1, the word "three" be substituted for the word "eight."

**Babu NAGENDRA NATH SEN:** I beg to move that in clause 28(*1*)(*c*)(*ii*), for the word "eight" the word "five" be substituted.

**Mr. DHIRENDRA NATH DATTA:** I beg to move that in clause 28(*1*)(*c*)(*ii*), for the word "eight" the word "six" be substituted.

**Mr. RASIK LAL BISWAS:** I beg to move that in clause 28(*1*)(*c*)(*ii*), line 1, for the word "eight" the words "seven and half" be substituted.

**Mr. DEBI PROSAD KHAITAN:** I beg to move that in clause 28(*1*)(*c*)(*ii*), for the word "eight," the word "nine" be substituted.

I beg to move that in clause 28, sub-clause (*1*), in lines 14-17, the words "whether such loan was advanced or such amount was paid or such decree was passed or such interest accrued before or after the commencement of this Act" be omitted.

**Mr. JATINDRA NATH BASU:** I beg to move that after clause 28(*1*)(*c*)(*ii*), the following be added, namely:—

"(*iii*) loan in respect of which compound interest has been agreed upon at 8 per cent. per annum with half-yearly rests."

**Mr. DEBI PROSAD KHAITAN:** I beg to move that after clause 28(*1*)(*c*)(*ii*), the following be added, namely:—

"(*iii*) loans in respect of which compound interest has been agreed upon, eight per centum compound with annual rests"

**Mr. DAVID HENDRY:** I beg to move that clause 28(*2*) be omitted.

**Mr. NISHITHA NATH KUNDU:** I beg to move that in clause 28 (*1*) (*c*) (*i*), line 1, for the word "ten" the words "nine and one quarter" be substituted.

I also beg to move that in clause 28 (*1*) (*c*) (*ii*), line 1, for the word "eight" the words "six and one quarter" be substituted.

**Mr. SPEAKER:** I might call the numbers of the amendments that have been moved. They are as follows:—

Nos. 39 and 40 of the new list. 831, 836, 847, 874, 875, 878, 879, 880, 882, 889, 925, 926, 928, 929, 934, 936, 967, 1001, 1002, 1007.

If any honourable member wants to speak on the amendments, he can do so now.

**Mr. DEBI PROSAD KHAITAN:** Sir, I shall speak on all the amendments that I have moved.

**Dr. NALINAKSHA SANYAL:** Would it not be convenient if members take up sub-clause by sub-clause? Otherwise, there will be confusion. If Mr. Khaitan speaks both about the rates and about *damdupat* at the same time, I am afraid that he may make confusion.

**Mr. SPEAKER:** There will be no confusion. I am quite certain that he will not make any confusion.

**Mr. DEBI PROSAD KHAITAN:** So far as I am concerned, I would like to deal with the whole section at one time.

The amendments that I have had the honour to move on clause 28 of the Bill affect firstly sub-clause 1(*a*) of that clause. This sub-clause as it stands in the Bill reads like this:—

> "any sum in respect of principal and interest which together with any amount already paid or included in any decree in respect of a loan exceeds twice the principal of the original loan."

There is no doubt that the principal that has been included in this sub-clause is based on the rule that is usually known as *damdupat*.

It is also well known that the principle of *damdupat* applies to the amount of interest due at the date when the amount is going to be realised. It does not take into account interest already paid before the date when realisation of the principal is expected to take place. Sir, this last principle which is always attached to the rule of *damdupat* is a very sound one. Let us assume, Sir, that there has been an account pending for thirty years at 5 per cent. simple rate of interest and the debtor has regularly and continuously paid interest at the rate of 5 per cent. over the whole period of 30 years that the loan has been outstanding. Sir, can it be contended that the rate of interest at 5 per cent. has been extortionate or in any way too heavy for the borrower to bear the burden of? I have not the slightest doubt that every member of this House will agree with me that a loan given at the rate of 5 per cent. interest is a very convenient rate for the borrower to pay. But what would be the result if this sub-clause is enacted into law? If the borrower has paid Rs. 150 during the course of 30 years against the loan of Rs. 100, the lender will not be able to recover more than Rs. 50 against his principal for it says, "any sum in respect of principal and interest which together with any amount already paid or included in any decree in respect of a loan exceeds twice the principle of the original loan." Let us carry the argument further. Supposing a loan has been advanced at the rate of 7 per cent. interest and has been outstanding for 30 years, the whole amount of interest is not only wiped out, but the whole principal is also wiped out and the lender cannot recover anything from the borrower either on account of principal or interest. Sir, I commend for the consideration of this House as to whether this position is either logical or equitable or whether the sub-clause is one which this House should pass and enact into law. The deletion of sub-clause (*a*) will mean that on account of existence of sub-clause (*b*) which says "on account of interest a sum greater than the principal of the loan outstanding on the date up to which such liability is computed" the real rule of *damdupat* will come into play. It will only provide that, so far as the arrears of interest are concerned, the lender will not be able to recover from the borrower a sum greater than the principal outstanding on the date of the recovery. I will not say anything more on that sub-clause because the reasons that I have given should be obvious to everybody.

The next amendments that I have moved are about the rates of interest, namely, that for unsecured loans the rate of interest should be 12 per cent. and for secured loans the rate of interest should be 9 per cent. as against 10 and 8 provided in the Bill. The chief reasons why I have moved these amendments are firstly the opinion expressed by the Reserve Bank and secondly the rates of interest that have been passed in the adjoining province of Bihar. As everybody knows, the province of Bihar has adopted the rates of 12 per cent. for unsecured loans and 9 per cent. for secured loans. It is not desirable either in the interests of the lender or in the interests of the borrower that here in Bengal we should prescribe substantially lower rates of interest for loan transactions, because the result may be that money may flow from Bengal into Bihar for the purpose of lending. It is not desirable, Sir, that money should be allowed to flow through the medium of a Money-lenders Act and be made unavailable to this province. I am one of those that believe that money-lending transactions must be carried on for the economic benefit of this province. Nobody, whether he be an agriculturist or a merchant or be in any other occupation, can prosper if money-lending transactions are stopped or made less than what would be possible in the normal course of circumstances. As regards the argument of the Reserve Bank, I submit, Sir, that the Reserve Bank is the highest authority in the land which can advise us as to what the rates of interest should be in regard to money-lending transactions. The Reserve Bank has suggested much higher rates of interest than what I am recommending to this House. They have in fact suggested that for unsecured loans it ought to be 15 per cent. and for secured loans, if I remember rightly, they have suggested 10 per cent. and not less. They fear that if the rates of interest are made less, money-lending transactions will be fraught with dangers and especially in view of the fact that agriculturists will need loans. The Reserve Bank has tendered us the advice that the rates of interest should not be less than 15 per cent. in the case of unsecured loans and 10 per cent. in the case of secured loans, and I hope, Sir, that the more modest suggestion that I have made that it ought to be 12 per cent. in the case of unsecured loans and 9 per cent. in the case of secured loans will meet with the wishes of my friends.

Then, Sir, another amendment that I have moved is in regard to compound interest at 8 per cent. per annum with annual rests. If compound interest be totally abolished, there will be no enthusiasm on the part of the borrower to pay interest regularly. He will allow interest to go on accumulating and it is desirable in the interests of money-lending transactions at a cheap rate of interest that compound interest should be permitted. Sir, when I was not in Calcutta during the course of the debate on this Bill, I read in the newspapers that my friend Dr. Nalinaksha Sanyal urged upon this House the necessary consideration that if the rates of interest are to be kept low, it is

necessary that the recovery of unsecured loans should be made as easy as possible. Sir, that argument has not been listened to by this House, and I would therefore urge that in the interests of the borrowers themselves and in the interests of smooth flow of money compound interest should not altogether be abolished. If I may give one instance, we are objecting to compound interest as a whole, but so far as the banks are concerned they charge compound interest with monthly rests. The biggest bank in this vast country of India, namely, the Imperial Bank of India, finds it necessary to charge compound interest with monthly rests. Sir, is that extortion or is that too hard on the borrowers? The borrowers willingly pay compound interest with monthly rests because it suits both the lender and the borrower to adjust their accounts monthly with the interest calculated therein, and interest charged is compound interest every month. Similarly, if there are transactions outside the banks and between money-lenders and borrowers, it is desirable that their accounts should be adjusted at least once a year and the interest should be added to the principal in order that the accounts may be suitably adjusted and it will then be necessary that interest should be calculated on the aggregate of the principal and interest taken together. Sir, with these submissions I commend the amendments that I have moved to the acceptance of this House.

**Mr. HARENDRA KUMAR SUR:** Sir, I beg to support the provisions contained in section 28 which puts two limitations in respect of money-lending transactions. It limits the rate of interest by fixing the maximum rate at 8 per cent. for secured loans and 10 per cent. for unsecured loans. It further restricts the liability of the borrower, that is to say, the liability of the borrower shall never exceed twice the principal of the original loan on account of both principal and interest. I think these two limitations are very very material for the purpose of building up a credit system on a sound basis in the interests of the economic development of the province as a whole. The most important of the causes that led to the agricultural indebtedness and the indebtedness of the middle class people of Bengal is the defective credit system of the country. The village *mahajans* used to serve as bankers and as a matter of fact, they have so long supplied the bulk of rural credit, the loan companies, the so-called banks and co-operative credit societies which came into existence at a much later date supplying only a small fraction of it. Sir, the rates of interest charged by all of them have been high and exorbitant and were never uniform. There is no market rate of interest in rural areas. Rates vary in different villages; sometimes even in the same village. The rates of interest charged by the different rural co-operative societies are not also uniform. The Government of the country appreciated the evils from the high rates of interest and in the year 1918, the Usurious Loans Act was passed conferring upon the civil courts a

discretionary power to reduce the rate of interest to an equitable standard, but the hands of the courts were fettered because they could not go beyond the contract except under certain specified conditions as provided for in the Indian Contract Act; Sir, this piece of legislation failed to have the desired effect and the same state of things continued as before.

Sir, the economic depression commenced in the year 1930. Thereafter, the prices of agricultural commodities fell, the value of the landed properties considerably decreased and the income of the agriculturists and the middle class people who form the bulk of the population dwindled so much so that it was scarcely sufficient even to meet their daily expenses, not to speak of leaving any surplus. The borrowers could not pay their debts; by making small payments with a view to save limitation the debts were anyhow kept alive. The borrowers from the village *mahajans* are mostly agriculturists; they could not pay their dues in most cases. In consequence, there was no realisation of dues and no further money-lending business by the village *mahajans*. The same state of things prevails with respect to rural co-operative credit societies which deal with the agricultural population. Several of the co-operative credit societies have gone into liquidation. As a matter of fact, these societies have practically little or no business now. The borrowers from loan companies and banks are mostly middle class people and well-to-do agriculturists. They also could not pay their debts. Therefore, these banks could not meet the demands of their depositors and several of them have already gone into liquidation; many are in a moribund condition, and an overwhelming majority of them have been compelled or will be compelled to take shelter under section 153 of the Indian Companies Act. The result is that these credit institutions are now practically performing the functions of liquidators. The Bengal Money-lenders Act of 1935 was passed fixing the maximum rate of interest at 15 per cent. for secured loans and 20 per cent. for unsecured loans, but that piece of legislation failed to meet the growing situation in the country. The Agricultural Debtors Act was considered an immediate necessity and came into operation, but the defective machinery set up for the settling of disputes has made the situation worse. Prompt settlement of disputes between creditors and debtors and speedy realisations are the most important factors with a view to achieve the object for which the Agricultural Debtors Act was promulgated. Sir, at present the rural credit has practically disappeared and the various channels of supply of credit have ceased to flow, and a deadlock has been created. Let me illustrate the point by a concrete example. Let us say that in the year 1928 the total amount of debts of a particular borrower was Rs. 1,000; the value of his assets at the time was Rs. 3,000; and his annual income was Rs. 600. Seven or eight years have passed

by since depression visited the country and to-day his debts have swelled up to Rs. 2,000 and have gone beyond the range of his paying capacity, but the value of his assets has gone down to Rs. 1,000 and his income has fallen to Rs. 300 a year. In this state of affairs the creditor cannot realise more than Rs. 1,000 from his debtor and that he can do by selling all his properties. Then also, the creditor is not getting the amount in cash. On the other hand, if his debt is scaled down to a limit within the paying capacity of the debtor; say, if the debt is reduced to Rs. 800 and the debtor is allowed facilities to pay the reduced debt in instalments ranging over a period of ten years, then and then only can he try his chance to save his properties. Sir, this is really the situation in the country to-day, and this illustration holds good with respect to 90 per cent. of the debtors. Now, Sir, the question is, what is the solution? How to remove the deadlock?

Sir, my point is that unless the debt is scaled down, it is useless to have a piece of legislation like this. Therefore, the scaling down of debts is not a mere relief in the interests of the individual borrowers, but it is urgently required for the purpose of removing the deadlock and reviving rural credit to some extent.

**Mr. SURENDRA NATH BISWAS:** Is it not expected that the Hon'ble Minister in charge of the Bill should be in the House?

**Mr. SPEAKER:** All I say is that man is after all human.

**Dr. NALINAKSHA SANYAL:** Two of the Hon'ble Ministers are there to take notes for the Hon'ble Minister in charge of the Bill.

**Mr. HARENDRA KUMAR SUR:** Unless and until this scaling down of debts is effected, that is to say, unless an adjustment to the real situation in the country is effected between the creditor and the debtor, it is useless to talk of building up a healthy credit system in the near future. Sir, the question of organising a credit system arises in our minds, if we are really anxious for the economic development of the province as a whole; and we have found from our past experience that the inordinate or unlimited profiteering motive of the greedy and rapacious money-lenders and almost the same motive, though less virulent in character, of the managing directors or the Board of Directors of the so-called credit institutions are mainly responsible for bringing about the present crisis and economic depression has only precipitated the crisis.

Then, Sir, if we really want economic development of our country, which means our capacity for the increase of production of our national

wealth in the sphere of agriculture as well as in the sphere of manufacture, if we really want to introduce scientific methods and up-to-date appliances in the sphere of agriculture in our country for the purpose of increasing the production, supply of cheap credit is the most important factor. Therefore, the rate of interest exerts a great influence on the cost of production. The lower the rate of interest, the lesser would be the cost of production. In that case, Sir, our foreign trade will increase, inasmuch as, several other countries of the world will have to depend on us for supply of their foodstuffs and raw materials. Again, our large scale industries will be benefited, because they will be in a position to purchase raw materials available in this country at a lower price. So, Sir, supply of cheap facilities is most essential for the purpose of agricultural development, and for the development of our large scale industries as well as cottage industries. Therefore, Sir, the maximum rate of interest should be fixed by legislation. If the supply of credit is more than sufficient, the rate must go down; but if it is inadequate as at the present moment, the rate cannot go beyond the maximum rate fixed by legislation. Sir, the principle accepted for fixing the maximum rate of interest is very sound.

Secondly, Sir, the principle of fixing the liability is also very material.

We have found that in the past money-lenders were prepared to go to any risk provided their demand for exorbitant rates of interest was agreed to, by the borrowers. But if this Bill be passed into law, the money-lenders will take precautions, and investments will be sound. The borrower will think thrice before he approaches the money-lender, because he knows that the money-lender will no more indefinitely wait for him if he fails to repay the debt within a reasonable time, and the borrower will try to avoid borrowing for unproductive purposes. The result will be that gradually the number of unproductive debts will disappear. Therefore, Sir, I submit that the two principles accepted in clause 28 are very sound for the purpose of introducing a healthy credit system in the country.

With these remarks, Sir, I support section 28, and oppose the amendments.

**Mr. DAVID HENDRY:** Mr. Speaker, Sir, I beg to move that clause 28(2) be omitted.

In moving this amendment I wish to draw the attention of the members of this House to the dangers of retrospective legislation. If it becomes known that the Bengal Legislature is liable to carry retrospective legislative measures in face of the experience of all legislative bodies throughout the world since the first great law-givers, then no one

in his lawful avocations will have any security that his day-to-day lawful activities may not later, through no fault of his own, prove to have been unlawful.

To take a single example, this Government a few months ago found it advisable to exempt small loans of up to Rs. 50 from the provisions of the Bengal Agricultural Debtors Act of 1935. This was done for the purpose of facilitating and stimulating the making of such small loans which are so great a necessity to the agriculturist. The beneficial effects of such an exemption, however, might at any time be nullified by retrospective legislation such as this now before the House; and there is no assurance to the lender that the small loans made in good faith now, and under the encouragement of the present Government, will not at a later date have this exemption withdrawn with retrospective effect.

The social structure, Sir, depends upon the maintenance of the sanctity of contract, of which retrospective legislation is the negation.

There are, however, times when it may be right for the law to search back into malpractices in the past The report of the Royal Commission on Labour in India of 1931 cited as frequent cases where one anna per rupee per month, that is 75 per cent. per annum, and even one anna per rupee per week or 325 per cent. per annum were charged for loans to the labour force Commenting on this the Commission goes on to say :—

"To talk of sanctity in connection with the normal contracts made between a money-lender and an illiterate industrial worker is a grave misuse of a good word. The contract, in most cases, is unequal and untair from the start "

We in this party, Sir, have no desire to extend the protection of the law to unconscionable contracts; and we think that in such special cases, regarded as an exception from an almost inviolable rule, it is justifiable to give retrospective effect in cases where it is first proved that the dealings are unconscionable, but in no other circumstances.

**Mr. DHIRENDRA NATH DATTA:** Mr. Speaker, Sir, —

**Mr. SPEAKER:** I want to know first of all how many speakers want to participate in this debate.

**Babu NAGENDRA NATH SEN:** I want to speak, Sir.

**Mr. SPEAKER:** I want to know how many speakers want to speak, because I have to regulate the debate.

**Mr. JATINDRA NATH BASU:** I too want to say a few words, Sir.

**Mr. RASIK LAL BISWAS:** Sir, সমস্ত clause যদি একসঙ্গে move করা হয় তাহ'লে আমাদের পক্ষে গোলমাল হয়। আমাদের পক্ষে সুবিধা হচ্ছে sub-clause by sub-clause নেওয়া।

Sir, আর একটা বিষয় জানতে চাই। আমারও motion আছে তা ছাড়া এখন motion support করে বক্তৃতা দিতে চাই। সবই কি এক সঙ্গে দিতে হবে?

**Mr. SPEAKER:** Everything.

**Mr. RASIK LAL BISWAS:** তা'হলে কি করে বলবো? সময় কোথায় পাবো?

**Mr. SPEAKER:** I am afraid I cannot help that.

I would request Mr. Gupta and Mr. Hasan Ali to let me know how many members will speak from their respective sides.

**Mr. SYED HASAN ALI CHOWDHURY:** Four from our side, Sir.

**Mr. SPEAKER:** Then speeches will have to be brief. There are only three points in issue, namely, retrospective effect, *damdupat*, and interest. There is no necessity of a general discussion. If honourable members will please confine themselves to these three points, they will be able to finish what they have got to say in five or six minutes comfortably.

**Dr. NALINAKSHA SANYAL:** May I enquire, Sir, if the same member who moves a motion with regard to the rate of interest will be allowed to speak simultaneously on the different amendments—some member moving 4½ per cent., another 5 per cent., another 7 per cent., and so on?

**Mr. SPEAKER:** The amendments have all been moved.

**Dr. NALINAKSHA SANYAL:** The movers have to explain the position, Sir.

**Mr. SPEAKER:** They have explained the position already. I hope honourable members will agree that at this fag-end it is desirable that the debate is finished as soon as possible.

**Mr. SASANKA SEKHAR SANYAL:** Sir, অনেকদিন বক্তৃতা হয় নাই সেইজন্য অনেক members বক্তৃতা দিতে চাইবেন। (Laughter.)

**Mr. SPEAKER:** I am sorry I cannot help that. I shall give you enough opportunity to speak during the third reading. I hope honourable members will try to finish the Bill as quickly as possible and that the members who want to speak will not take more than five minutes each.

**Mr. DHIRENDRA NATH DATTA:** Sir, I rise to oppose the amendments that have been moved by my friend, Mr. Khaitan and the European friend of mine who spoke last and to support the motions that stand in my name (Nos. 882-888 and 929-933).

Mr. Khaitan has approached the matter from a different outlook. He has not looked into the matter from the outlook that the object of this Bill is two-fold. First of all, the object of this Bill is to scale down the debts and secondly to regulate the future money-lending transactions. If there is a necessity for scaling down debts, then the principle that is involved in section 28(*1*)(*a*) cannot but be supported—the principle of *damdupat*. I think, Sir we shall all agree that there is a necessity for scaling down debts. So far as this party, to which I have the honour to belong, is concerned, in the election pledge we have made it clear that there is necessity for scaling down debts and if this necessity is recognised, certainly the principle underlying clause 28(*1*)(*a*) cannot but be supported. The principle of *damdupat* is an accepted principle and it is a principle of the Hindu period. The principle of *damdupat* was mainly accepted when the Money-Lenders Act of 1933 was passed into law. The only question is that payment that was made should be taken into consideration. In view of the urgent necessity of scaling down debts to a great degree, the question of payment of interest must be taken into consideration in relieving the debtors from the liability of debts. Mr. Khaitan has illustrated his case by pointing out that a debt may run for 30 years and if the rate of interest be 5 per cent., then there would be inequity on the creditor. But suppose, for instance, the debt runs for 10 years and the rate of interest is 30 per cent. per annum or suppose the rate of interest is 24 per cent. per annum—the rate which is allowed under the Money-Lenders Act—then in the course of 10 years, the debtor will pay Rs. 240. The only question which the House should consider is, if a debtor has borrowed Rs. 100 and has already paid Rs. 200, whether he will be liable to pay more. Considering the wretched condition prevailing in the rural areas, a debtor who borrowed Rs. 100 and has already paid Rs. 200, should not be compelled to pay any more.

Then I come to the question of retrospective effect which has been raised by my European friend who spoke last. He does not know that the principle of retrospective effect was accepted in the year 1918 when

the Usurious Loans Act was passed. There was a provision for re-opening transactions which was considered to be an unconscionable bargain. The principle of retrospective effect was recognised in the year 1933 when the Money-Lenders Act was passed into law. The need for retrospective effect has arisen because of the peculiar circumstances prevailing in the country, namely, that debts have accumulated beyond the capacity for repayment by the debtors. So the debts shall have to be scaled down and if debts shall have to be scaled down, the principle of retrospective effect must be given effect to. This principle has been recognised in the society in the years 1918 and 1933 and it has arisen owing to the peculiar circumstances prevailing in the country. My friend does not know the condition of the rural Bengal. The burden of debt is beyond the capacity of the rural people and it must be scaled down. So, Sir, the question of retrospective effect is of vital importance to the debtors.

My friend, Mr. Harendra Kumar Sur, has discussed at great length the question of the rate of interest. I think, Sir, that there should be a maximum rate of interest laid down. Now, Sir, the condition of credit societies shows that the rural credit is drying up and it will stop entirely in the near future. But it is not drying up because of the enactment of this law, but because the price of agricultural produce has fallen to a great extent. The agriculturist has lost the power of repayment. Previously the debtor repaid their debt when he had capacity to pay; now his capacity for payment is lost. It is true in the case of banks and it is also true in the case of private individuals. So the situation should be adjusted in such a way that the debtor will be in a position to pay.

Then, Sir, so far as the question of the reduction of interest is concerned, the Government proposal is that the rate of interest for the unsecured loan should be 10 per cent. and for the secured loan it should be 8 per cent. In my amendments, Sir, I have suggested very moderate rates of interest, namely, that 9 per cent. should be the maximum rate for unsecured loans and 6 per cent. for secured loans. I have made the rates 9 per cent. and 6 per cent. having regard to the fact that it will affect the loan companies and banks to a certain extent. The loan companies and banks have to take money from the depositors. But the depositors, so long greedy and unwilling to reduce the rates of interest, will have to adjust themselves according to the present situation, and reduce the rates of interest.

In conclusion, I hope Government will accept my amendments and reduce the interest to 9 per cent. and 6 per cent.—9 per cent. in place of 10 per cent. and 6 per cent. in place of 8 per cent.

With these words I commend my amendments to the acceptance of the House and I oppose the amendments of Mr. Debi Prosad Khaitan and the European member.

**Mr. NISHITHA NATH KUNDU:** Sir, I have by my amendments tried to reduce the rate of interest for unsecured loans by annas 12 and by Rs. 1-12 for secured loans. I wish I could move amendments for further reduction of the rate of interest. But I apprehend that Government is not in a mood to accept any amendment moved by this side. I believe, Sir, as has been stated by my friends Mr. Dhirendra Nath Datta and Mr. Harendra Kumar Sur, that the heavy rate of interest is responsible for the heavy rural indebtedness from the jaws of which the borrowers cannot extricate themselves however much they may try to do so, because their income is not enough even to pay the interest. They cannot, therefore, touch the principal. It is true that the practice of realising interests is of great antiquity, but we all know that money-lenders in olden days were prompted to advance money more with the desire to help their neighbours and to receive in return some profit that would not be a burden on the borrowers. As time went on, the greed of the lenders increased and they were not satisfied with a low rate of interest. My friend, Mr. Khaitan was telling us that it would be for the economic benefit of the borrower that the rate of interest should be somewhat higher. I want to tell him only this much that we have not seen any economic benefit of the rural population by the existing high rates of interest. Their indebtedness has been so much that if all their assets are used up towards liquidation of their debts, they will not be able even to pay the interest and they will carry on their heads still about one hundred crores as debts. So with the object of giving some relief to the borrower and also with the hope that the Government will accept by accepting my amendment the principle that the heavy rate of interest is responsible for the heavy indebtedness of the rural population, I have moved my amendment.

There is one other point. To secure immunity of the borrower from the extortionate rate of interest charged by the lender, there must be competition between the lenders for advancing loans. By this Bill we have taken out many classes of lenders, namely, the co-operative societies, building societies, schedule banks, notified banks and others from the purview of this Act. Thus we have really reduced the numbers and classes of lenders and limited them to the private money-lenders alone who will be under this Act. Therefore, the competition that is wanted for securing the borrower from the extortionate rate of interest has been limited. So, we must be very particular about fixing the rates of interest. We have experience that in raising big loans we have to pay a higher rate of interest, but in

raising small loans we have to pay a lower rate of interest, because of the fact that we get a large number of lenders who can advance small loans. So the fact of competition is very important.

**Mr. SPEAKER:** I hope, Mr. Kundu, you will finish your speech soon, because, there are about ten more speakers.

**Mr. NISHITHA NATH KUNDU:** I shall try.

**Mr. SPEAKER:** Do finish and not try.

**Mr. NISHITHA NATH KUNDU:** By this Act we are limiting that scope of competition and we do not expect that the lenders will be agreeable to advance money with interest less than what has been fixed as maximum. So, in fixing the maximum we must be very particular and careful.

(At this stage the honourable member reached his time-limit.)

**Mr. SPEAKER:** It is an ordinance which you have inflicted upon yourself. It has been a very long session and we want to finish it as early as possible.

**Mr. NISHITHA NATH KUNDU:** May I have two minutes?

**Mr. SPEAKER:** Yes.

**Mr. M. SHAMSUDDIN AHMED:** I believe this is the most important section. I do not understand why you are in such hurry about it.

**Mr. SPEAKER:** I am afraid, Mr. Shamsuddin, you were not present, so you are not aware of everything. What I am suggesting is this that if all the members want to speak, I should be quite ready to allow them. According to previous arrangements, to-day we will try to finish sections 28 and 29. To-morrow we shall take up the reopening section which is also a very important section. On Monday next we hope to finish the third reading.

**Mr. NISHITHA NATH KUNDU:** In support of his motion Mr. Khaitan cited the case of the Imperial Bank charging a high rate of interest and the law that has been recently passed by the Bihar Government. We are not in a position to know all the facts under which the Bihar Government passed their law. We do not know the conditions prevailing in Bihar, but I say that we are not going to follow the Bihar Government or the Imperial Bank method of

charging a higher rate of interest. In fixing the rate of interest here we shall take into consideration the circumstances that are prevailing in our province and we are absolutely certain that unless the rate of interest is lowered down, there is no chance of giving any relief to the agriculturists for whose benefit this Bill has been brought in.

In view of these arguments, I would request the Hon'ble Minister in charge to accept my amendment just to show that Government really accept the principle of a lower rate of interest for the benefit of the borrowers in general and agriculturist borrowers in particular and that they really wish to give some relief to them.

**Babu NAGENDRA NATH SEN:** In moving my amendment for the reduction of the rates of interest proposed in the Bill from 10 per cent. to 7½ per cent. and from 8 per cent. to 5 per cent. (880-928), I would only submit a few words by way of explanation. Sanctity of contract and freedom of contract are principles which are very dear to everybody's heart, but there may be cases and there are cases in which this sanctity of contract and freedom of contract need some control at the hands of the Legislature.

With regard to the rates of interest (I do not know if I am correct), the first attempt was made in the year 1885 by enacting section 67 of the Bengal Tenancy Act by which the rate of interest on arrears of rent was for the first time statutorily reduced to 12 per cent.

With regard to contracts made before the passing of the Bengal Tenancy Act in November 1885, the contracts before that date were left free to have their own operation.

Afterwards the rate of 12 per cent. was statutorily raised to 12½ per cent. on the plea that the enhancement of the rate from 12 to 12½ per cent. would facilitate the calculation of interest. Subsequently it was found that the rate of interest provided by contracts made before the year 1885 needed some amendment. So, in the year 1928, it was enacted, with regard to the rate of interest in respect of arrears of rent, whether the matter was governed by any contract made before 1885 or not, that the only rate of interest which was to be permissible was a flat rate of 12½ per cent. and it has been admitted on all sides that this universal reduction of interest with regard to arrears of rent has done a great deal of good to the poor *raiyats* and other classes of tenants. In some cases, which have come to my knowledge during the course of my practice as a pleader, I have seen courts granting rates of interest for arrears of rent at 75 per cent. and even 150 per cent. and now one should be ashamed or horrified to find that courts are not in a position to give relief to poor tenants and *raiyats* with regard to contracts of this nature. The courts are unable to give any

relief because the contract was there. Since then it has been universally recognized that the time has come for a reduction in the rate of interest with regard to loans and so, in the year 1918, as Mr. Datta was pleased to point out there was brought into the Statute Book the Usurious Loans Act which contained provisions for giving power to the courts—the courts acquired the power thereby—to go into contracts, to reopen contracts of previous transactions in cases where it appeared to the court that the reopening of such contracts was necessary for the ends of justice and where the rates of interest were usurious, unconcionable and hard. Last year in 1938, by an amendment of the Bengal Tenancy Act, the rate of interest with regard to arrears of rent was further reduced to half of that, namely, 6¼ per cent. and subsequently by another Act interest on road cess and interest on Government revenue and so on and so forth have been brought down to the same level of 6¼ per cent. So, we find everywhere a gradual tendency to lower down the rate of interest.

Mr. Khaitan was saying that in the report of the Reserve Bank it was stated that the interest should be 15 per cent for unsecured loans and at least 10 per cent. for secured loans. These are the rates recommended by the Reserve Bank. I do not understand, Sir, the logic or the equity of that recommendation. We have found in actual practice that the Government of India have been reducing the rate of interest on savings bank deposits. From 3½ per cent. it has come down to 1½ per cent. if I am not mistaken. All the scheduled banks and exchange banks have reduced the rates of interest payable to depositors in the savings bank and these rates are nearly uniform rates of 1½ per cent. and 1 per cent. in some other banks. Now, if the exchange banks and the scheduled banks and the Reserve Bank have found it possible and prudent to reduce the rates of interest on savings bank deposits without reducing their reserve and without frightening away the depositors and if the deposits have been flowing there like water, why should not interest payable by private debtors to their money-lenders be reduced? I do not like to inflict a speech at the fag-end of the day as regards the utility of scaling down interest or reducing the indebtedness of the country. It has been found that the total amount of indebtedness of the peasantry of this country is to be reckoned not by lakhs but by crores, and it has been found that this high amount of indebtedness is due to the very high rate of interest which has been prevailing hitherto. We Indians are proverbially impecunious in times of distress—not only in times of adversity but in times of rejoicing we spend money just like water. In those times the high rates of interest are not taken into account. There is a necessity and money must be found, must be made available, and therefore it is very often the practice that high rates of interest are stipulated. It is time, and it has been well recognized for a very long

time, that relief should be given from contractual rate. If relief is to be given, the question is that it must have some retrospective effect. Therefore, I think that the rate of interest should be reduced from 10 per cent. to 7½ per cent. and with regard to my amendment No. 928, I am afraid, there is a misprint, for, the word "five" is a misprint for "six". I still stick to that and I would not be sorry if the Government would be pleased to accept 6 per cent. which has already been moved from this side of the House with regard to secured loans.

**Mr. SYED JALALUDDIN HASHEMY:** Sir, I rise to support all the amendments that have been moved by Maulvi Abu Hossain Sarkar and at the same time my intention is to oppose the amendments moved by Mr. Khaitan and Mr. David Hendry and all the suggestions made by them in the course of their speeches. Sir, Mr. Khaitan in the exuberance of his banking knowledge and experience has characterised the Reserve Bank as the highest authority to dictate the rate of interest to be imposed on the agricultural debtors of Bengal. The suggestion may be true or may not be true. It may be true so far as the interests of the creditors are concerned. And it is not at all true so far as the interests of the agriculturist debtors are concerned. Sir, it is common knowledge that it is not possible for the agriculturists of Bengal to pay such a heavy rate of interest as has been suggested by Mr. Debi Prosad Khaitan, viz., 15 per cent. on unsecured loans and 10 per cent. on secured loans. Mr David Hendry tries to impart moral lessons to this House by asserting that the sanctity of the contract must be observed. He suggested that any retrospective legislation is unlawful. We are prepared to observe the sanctity of the contract if the contract is legal, if the contract is sacred. Sir, the contract that has been made so far, particularly with regard to the agriculturist debtors—I can assert that these contracts are forced contracts. These contracts were made under the threat and coercion of starving the agriculturists of Bengal. Therefore, Sir, the question of sanctity of the contract does not arise. Mr. Abu Hossain Sarkar in his amendment has suggested 3 per cent. interest per annum on secured loans and 4½ per cent. interest on unsecured loans. This is very reasonable It is common knowledge and it has been admitted by every section of the House that the agriculturists of Bengal are very heavily indebted. Mr. David Hendry has contradicted him. He wants that sanctity of contract should be observed, he says that restrospective legislation is unlawful, but at the same time he has put in some statements from the Report of the Labour Commission. Sir, is it a contract if one anna per rupee per month is realised as interest from the labourer? (Cries of "No" from the European Benches.) The answer is "No". If that is the case, that contract must be broken, and legislation should be made that those contracts made by coercion must not be given effect to and should be declared null and void by the court. Mr. Khaitan has suggested that

for the good flow of loan in the interest of the borrowers, this should not be done and that should not be done. He has spoken of small industrial development, development of cottage industries and many other such developments. May I ask him—I am sorry, I do not see him here—had he been here, I would have asked him seriously that so far as Bengal is concerned, so far as the question of development of industries, small industries and cottage industries, are concerned, what have we got, what have we experienced, and what have we received during the last 150 years or so? Sir, we depend for everything for our daily use and consumption on foreign countries. A bank in Bengal may be a scheduled bank, or a notified bank or a commercial bank, but what has that got to do with improving the standard of living of the masses in Bengal, what is really given to the unemployed section of the educated middle-class young men of Bengal? They are starving and will go on starving unless and until the whole economic structure of this province is overhauled and reconstituted. Sir, the intention of the Government in introducing this legislation is perhaps to help the debtors, particularly the agriculturist debtors in Bengal.

**Mr. SPEAKER:** Mr. Hashemy, as this is the time for prayer, I should like to adjourn the House now.

(The House was then adjourned for 15 minutes.)

(*After adjournment.*)

**Mr. SYED JALALUDDIN HASHEMY:** Mr. Speaker, Sir,——

**Mr. SPEAKER:** I hope you will be brief.

**Mr. SYED JALALUDDIN HASHEMY:** I submit, Sir, I shall be able to finish within five minutes or so.

We have already been fed up, Sir, with uncalled-for lessons given to us by many members on the floor of this House. Some have suggested that the sources of credit will be dried up and that the easy flow of credit will be choked.

Assuming for a moment that no money will be advanced to the agriculturists and assuming for a moment that these agriculturists will have no food, no clothes, no shelter, no harvesting, no crops, may I ask those experts what will be the condition of the land revenue of Bengal, if there are no crops, no harvests? May I ask my European friends, who, I find, are all absent now, what will be the condition of the British-manufactured goods? What will happen to the sale of the British-manufactured goods in Bengal and other provinces of India? Sir, it is no use holding out a threat that agriculturists will get no more loans. They are not getting any loans even now! Sir,

I submit that in the interest of the conservation of the land revenue of the Government of Bengal, in the interest of the British-manufactured goods, in the interest of the British commercial interests of Calcutta, Government will certainly advance loans without any interest.

Sir, had I been placed in charge of the Bill (Maulvi ABU HOSSAIN SARKAR: The Hon'ble Mr. Suhrawardy is not in charge of the Bill.)—I mean in temporary charge of the Bill,—I would have declared a mortatorium that no interest be charged from agriculturists for at least 25 years. (Babu NAGENDRA NATH SEN: May I point out, Sir, that the Treasury Benches are absolutely empty?) (Dr. NALINAKSHA SANYAL: Mr. Bari, you come over to the Treasury Benches. We elect you!) (Mr. SANTOSH KUMAR BASU: My friend Mr. Bari can come over and take his seat there.)

(At this stage Maulvi Abdul Bari took his seat in the Treasury Benches amidst cheers.)

Sir, assuming for a moment that no money will be advanced to the agriculturists, I am sure that no money-lender will dig holes and deposit their money there

**Dr. NALINAKSHA SANYAL:** On a point of order, Sir. May I know if you are prepared to carry on the discussion in the absence of any of the Hon'ble Ministers of the Crown?

**Mr. SPEAKER:** I think some Minister should be here.

**Dr. NALINAKSHA SANYAL:** But no Hon'ble Minister is present in the House now.

**Mr. SPEAKER:** Mr. Suhrawardy told me that he would be coming within two minutes.

**Dr. NALINAKSHA SANYAL:** In any case, Sir, in the absence of any Hon'ble Minister, we should adjourn now according to Parliamentary practice.

**Babu NARENDRA NARAYAN CHAKRABARTY:** ঘরে নিয়ে এসেছে। ঘরে নিয়ে এসেছে।

**Mr. SPEAKER:** Please do not think of that for the time being.

(At this stage the Hon'ble Mr. Suhrawardy entered the Chamber and took his seat.)

**Mr. SYED JALALUDDIN HASHEMY:** After all, he has come!

**The Hon'ble Mr. H. S. SUHRAWARDY:** The thing is that I know exactly what honourable members are going to say. (Laughter.)

**Babu NAGENDRA NATH SEN:** You are omniscient!

**Mr. SYED JALALUDDIN HASHEMY:** Assuming for a moment that no money will be advanced to the agriculturists, it is certain that the people of to-day will not go back to the medieval age to deposit their money under ground. The worst that may happen will be that all money-lenders will invest their money in the Reserve Bank through the scheduled banks. Then, Sir, the Reserve Bank will send the whole amount to the war-fields of Europe, or somewhere else. What will then be the condition of Bengal if no money is advanced either by Government or by the commercial interests or by other interests of this province? It may be argued that the country will be rendered barren. We cannot conceive, Sir, that our country will be barren and deserted and that the people of Bengal will be roaming in the jungles like cats and dogs. (Mr. JOGESH CHANDRA GUPTA: No, no, like lions and tigers!) Certainly, there will be an economic revolution, and, Sir, out of this evil will come the good. We want that sort of revolution. If this Government had common sense, they would realise that it is their duty to declare that no interest should be taken from the agriculturists, and after accepting the views of our party, that have been given expression to by Maulvi Abu Hossain Sarkar, they ought to have declared that no interest should be charged from the agriculturists at least for a period of 50 or 25 years, so that the agriculturists may reap——(The Hon'ble Mr. H. S. SUHRAWARDY: Reap the benefit of the money without paying interest!)——some advantage. So far, Sir, interest has been paid by the agriculturists, and, therefore, I think, that no more interest should be paid by them for 50 years to come. I am sure, Sir, the money-lenders of Bengal will not die if they do not get interest. They have already realised enough from the poor agriculturists.

It has been suggested by Government that interest should be charged at the rate of eight per cent. in the case of secured loans and ten per cent. in the case of unsecured loans, and our suggestion is that it should be three per cent. for secured loans and 4½ per cent. for unsecured loans.

With these words, Sir, I commend the motion of Maulvi Abu Hossain Sarkar to the acceptance of the House.

**Mr. JATINDRA NATH BASU:** Mr. Speaker, Sir, the speeches that have been delivered in support of clause 28, as it has emerged from the Select Committee, show that everyone has in his mind an emergency which requires special measures. Everyone has talked of the deplorable condition of the cultivators and of the necessity for taking steps to relieve them from that condition.

Sir, there is no section of the House which does not desire that the cultivators should have relief. But if this were a piece of emergency legislation directed to the administering of relief to the particular section of the population which requires relief and had evolved methods for the purpose of granting relief, there would not have been that amount of opposition that there has been to this Bill.

Sir, it is a piece of permanent legislation for this province. Mr. Khaitan has been ridiculed for saying that if conditions about monetary transactions are more favourable in other provinces—particularly in the neighbouring provinces—the capital that there is in this province will gradually flow to those provinces and find ready investments there and that the people of this province will be deprived of the benefit of the use of that capital.

Those who have to do with financial transactions know that money does flow out not only from one province to another but from one country to another in order to find good and profitable investment. A great deal of the money that was originally invested, for instance, in the Indian railways, came from outside. Even now Indians sometimes do invest in fairly safe investments in England. I have known some investments made in New Zealand. The people here find that these investments are profitable. A great deal has been said by way of criticism about the bank rate and about the rate being fixed by this Bill at 2 per cent. or some other percentage over the bank rate. The bank rate is a rate which the Reserve Bank of India, after careful consideration of the availability of the capital for the time being, fixes, and the bank rate is the rate that other banks have to pay when they obtain money from the Reserve Bank of India. What ordinarily happens in financing operations is that money is obtained from the Reserve Bank of India by other banks. These banks have also their own independent means of deriving money from deposits in current account and from shareholders' capital. That money then passes through several hands before it reaches the cultivators in the countryside. Everyone who passes on that money retains to himself a small amount of profit. The banks do not directly lend to the cultivator for the simple reason that the banks deal with other people's money and they have to feel sure that there will be repayment of the money. So they advance money to people from whom there will be a chance of obtaining repayment, who again pass on to those people whom they know, and in this way the money filters to the interior. Sir, in this process the rate of interest payable by the ultimate user of the money does go up.

Sir, it has been said that in 1885 the cultivator was in a position to pay interest at 24 per cent. per annum: that was the rate fixed by the Bengal Tenancy Act. Sir, if circumstances have arisen in which the cultivator is not in a position to pay high rate of interest or a

certain rate, then the legislation should have been directed towards relieving cultivators of payment of interest at a high rate. But what this Bill does is that it seeks to relieve not only rural agriculturists but also urban borrowers——

**Mr. AHMED HOSAIN:** What about the exception of scheduled banks, commercial loans, etc.

**Mr. JATINDRA NATH BASU:** Apart from scheduled banks and commercial loans, there are also a very large number of transactions which take place and in which the middle classes and also the moneyed classes are concerned. Some people find it profitable to borrow money and invest it in property or use it in some other way which brings them good profit. That is very often done. You are applying the provisions of this Act to all those transactions and in this way you are creating enormous difficulty.

In the course of the debate on the various clauses of this Bill, we have been listening from day to day to the woeful tales of the condition of the rural cultivators. But the means that have been adopted in this Bill will hardly be of any substantial benefit. Suppose the debts of the cultivators are completely wiped out, even then the people will want money for their seed, bullocks, plough and the expenses of cultivation and harvesting and so on, and for taking them forward from sowing to harvesting—all these things are necessary. Where will the money come from.

According to Mr. Jalaluddin Hashemy, it will come through revolution. No doubt that is his temperament; but even a revolution will not give him the money, because the money will be safely invested either in the United Kingdom, or in the United States of America or in some other part of India. Nobody will keep his money here for Mr. Hashemy to plunder it. The whole project has been misconceived and carried on in a most unbusinesslike manner. Sir, I do not desire that there should be high rates of interest. High rate of interest should be discouraged. The rates of interest proposed by Mr. Khaitan, that is, 9% per cent. for secured loans and 12 per cent. for unsecured loans, are reasonable, because the rates depend upon the credit of the borrower. A man who is not in a sound position to pay back any loan that he obtains will not find his loan unless some inducement is offered. The man who lends money takes some amount of risk. What is the value of that risk? All risks have some commercial value and that should also be calculated in fixing the rate of interset.

Sir, as regards compound interest, there is an outcry whenever the question of compound interest is raised. It has been pointed out that banks here charge compound interest. The Government of India,

probably ever since they started obtaining public loans in this country, have invariably stuck to the practice of paying interest every half year which means that at the end of every half year the man who invests money in Government securities has the advantage of investing the interest. Why should a peculiar practice be introduced by this Bill in connection with other loans? That is the practice of banks, that is the practice of Government and that is also the practice in ordinary commercial and other transactions. This is to say, when you keep back interest on the loan, you ought to pay interest. As Mr. Khaitan pointed out, when the interest is low, say, 5 per cent., why should the man who is liable to pay that, stick to it and use it for his own purpose while he also keeps the principal in his own hands. For these reasons, I support the amendments moved by Mr Khaitan and Mr. Hendry and also move my own amendment

**Mr. ABDUR RAHMAN SIDDIQI:** Sir, we in India are labouring under a serious psychological handicap. The whole outlook of society as it exists to-day is based on English jurisprudence on principles laid down by a commercial and industrial nation. The application wholesale, to a people and society which is purely agricultural a set of laws evolved by an altogether different type of society is in the nature of things, unnatural That is why we cannot get out of the rut and look at our problems from a new and our own angle of vision. As I understand, Sir, this Bill has been brought before this House to save the villager and the peasant. If that is the object, then most of the speeches, to which I have listened to-day and during the period that we have been discussing this Bill, seem to be out of place.

The normal economic life and ordinary business transactions have been excepted from the purview of the Bill. The new outlook on life which British jurisprudence and East India Company administration have brought among us has led to an upheaval of our society and its structure. I would like the honourable members of this House to pay serious attention to this aspect of our national problem. The agricultural population and even the middle classes have been bled white under a system of law which considers money-lending and interest-making the sole aim of life. The honourable member from the European Group has spoken of "unconscionable contract". I call the whole system of law as it obtains among us, especially in relation to money-lending unconscionable. This Bill is the first step we are taking to save the peasants and the people of this province who have been brought to ruin by Banias, Marwaris, Frontier Pathans and a whole host of these vultures who thrive on human misery. If that is the position then let us take courage in both our hands, break with

the past, and lay down a new path and let us march along it. Per haps our redemption will come when the peasant is able to stand up The Vice-Chancellor of the University has written a book called "Th man behind the Plough". Those who have read it will realise tha if this Act does the least bit of good to the peasants, it is not only ou public duty but it is our religious duty to support it even though i be defective in some aspects of it. Precedents, Sir, are to be foun in India of similar attempts. Every province is passing laws to sav the borrower in the village. I know that an Act exists in Sind calle the Sind Encumbered Estates Act. There is the Deccan Agricul turists' Relief Act. There is the Punjab Agriculturists' Relief Act All these have the same psychology and ideology behind them t create a new world, a new heaven and a new earth for our people; an to save our people from crushing burden under which they have bee groaning since the new jurisprudence and the new outlook on lif were introduced in this country. Besides the actual legal side o a piece of legislation, there is also a policy behind it. I take it tha the Government is determined through this piece of legislation to tel the world at large but especially Bengal, that we are out to re-establis the rural society, the agricultural population, the villagers and th peasants, the real backbone of our nation through whose sweat of th brow the vakils, the barristers, the zaminders, the merchants and a whol host of people live and get a living. It is really they who keep them alive. It is ultimately the villager whom we are out to save. I that is our ambition, then let us all agree to pass this section as it ha been brought in. Do not let us waste time over hair-splitting amend ments. Let us go ahead with the good work Instances were give of how certain banks did or did not take into consideration monthly rests or three-monthly rests for compound interest. All that may b very good for high finance, but here we are not concerned with it Here we want the blood-sucking process which has been going on fo almost a century to stop. If we cannot stop it altogether, let us a least make an effort to do so. Many honourable members, I am sure know that people who have got credit with any of the large bank borrow money at a lower rate of interest and then advance it a almost double that rate. It has become almost a business. Th Muslim view point of the problem of debts and usury, and we ar trying through this Bill to stop usury, would be, if I were a *mufti* and asked to give a *fatwa*, that not to support this measure would b *haram*, totally irreligious.

Again, Sir, legal theories have been expounded before us and ever the well-established generally accepted principle of *damdupat* ha been questioned by honourable members. *Damdupat* is an ancien Hindu principle evolved for the purpose of saving poor villagers and poor borrowers. It has been acknowledged and accepted in all part

of India. If we go a bit further and stretch it in favour to the victim who is always the borrower by making the application of *damdupat* retrospective in its effect, I think, we shall be going along the right path.

The other details of this section, Sir, may not be absolutely pertinent, but as I have already said, if we are on the right path, if we are ready to help the villagers, let us all join together and declare the will of the people of Bengal as represented in this House and thus do our best for the villagers, the most persecuted members of our society. I, therefore, oppose the amendments put before the House.

**Mr. RASIK LAL BISWAS:** সভাপতি মহাশয়, আমার যে amendment আছে তার পক্ষে দাঁড়িয়েছি এবং সুদ কমাবার জন্য যে সমস্ত amendment motion পেশ করা হয়েছে সেইগুলি আমি সমর্থন করছি। এই সঙ্গে আমার জমিদার বন্ধুবর্গ এবং European বন্ধুবর্গ যে সমস্ত সংশোধনী প্রস্তাব এখানে এনেছেন সেগুলির প্রতিবাদ করছি। এখন এই বিলের আলোচনাকালে, বিল যেভাবে প্রথমে আমাদের সামনে এসেছিল তার অনেক পরিবর্ত্তন আমি দেখতে পাচ্ছি। যখন schedule bank, commercial loan, notified bank এই বিলের মধ্যে থাকবে না, তখন সুদ কমিয়ে না দেবার পক্ষে কোন যুক্তি থাকতে পারে না। কারণ ব্যবসার জন্য যখন টাকা দেওয়া হয় তখন ব্যবসার লাভের অংশ গ্রহণের একটা যুক্তি থাকতে পারে। কিন্তু আর যে সমস্ত ঋণের টাকা রয়েছে তার অধিকাংশই অভাবের প্রতিকারের জন্য দেওয়া হয়েছিল। দেশে বা সমাজে লোক বাস করে কিজন্য এক প্রতিবেশীর অভাব হলে আর এক প্রতিবাসী তার সাহায্য করবে। এক বন্ধুর অভাব হলে আর এক বন্ধু তার সাহায্য করবে। এবং বন্ধুর উন্নতিতে প্রতিবেশীর উন্নতিতে যদি বন্ধু বা প্রতিবেশী সাহায্য করে তাতে তার দুঃখিত হওয়ার কোন কারণ থাকে না। আজ এখানে সুদ বাড়াবার পক্ষে, কিম্বা কম সুদের প্রতিবাদে যারা amendment এনেছেন, তারা সেই দরিদ্র গ্রামবাসীদের প্রতিবেশী নন। তাদের বন্ধুও নন। সেইজন্য তাদের দ্বারা এরূপ amendment এখানে আনা সম্ভবপর হয়েছে, কিম্বা সুদ কমাবার প্রতিবাদ করা সম্ভবপর হয়েছে। এখন আমাদের ভেবে দেখতে হয় আমাদের সমাজ এবং দেশকে বাঁচাতে হলে আমাদের নিজেদের কতখানি স্বার্থ ত্যাগ করা উচিৎ। তা না করে যদি কেবল নিজের পকেট ভর্ত্তি করার দিকে তাকাই—— (The Hon'ble Mr. H. S. SUHRAWARDY: "পরের পকেটের দিকে তাকাই"।) তাহলে এদেশে বাস করার, এ সমাজে বাস করার কোন অর্থ হয় না। কাজেই আমি সুদ কমাবার পক্ষে যে amendment এসেছে তা সমর্থন না করে পারছি না। এই সুদের হার গভর্ণমেণ্ট যে ভাবে নির্দ্ধারণ করেছেন আমি মনে করি বর্ত্তমান অবস্থায় এই হার অত্যন্ত বেশী। দেশের বিপুল জনসাধারণের যে অবস্থা তাতে মহাজনরা এখন দেখতে পাচ্ছেন—যদি আসল টাকাটা কোন ভাবে নিয়ে দেনা ছেড়ে দিতে পারে তাহলে তারা বাঁচতে পারে। তারপর এই যে 8 per cent., 10 per cent. সুদের ব্যবস্থা করা হচ্ছে অর্থাৎ আসলের ডবল দিবার যে ব্যবস্থা করা হয়েছে সে অত্যন্ত বেশী। সুতরাং সুদ কমাবার পক্ষে আমার বন্ধুগণ যে সমস্ত amendment করেছেন Government দেশের পক্ষ থেকে সেগুলি মেনে নিলে ভাল হয়। আর অতীত কালের দেনা অথবা দামদুপাত আইনের আমলে আনার বিরুদ্ধে যে সমস্ত amendment আনা হয়েছে সেগুলি শুধু যে অন্যায় তা নয়, সেগুলি অযৌক্তিকও বটে। কারণ এখন লোকের দেনা যে ভাবে জমে উঠেছে, দেশের জনসাধারণ যে ভাবে দেনায় নিষ্পেষিত হচ্ছে, তাতে যদি অতীত কালের দেনা এই আইনের আমলে না আনা হয় তাহলে এই আইনের কোন অর্থ হয় না।

ভবিষ্যতে কি ভাবে ঋণ দেওয়া হবে কেবল সেই ব্যবস্থাই যদি বর্ত্তমানে আইনের দ্বারা কর্ত্তে হয় তাহলে দেশের, জনসাধারণের কোন উপকার হতে পারে না। ভবিষ্যতের ব্যাপার বিবেচনা করার প্রয়োজন আছে। কিন্তু অতীত কালের যে ব্যবস্থা বর্ত্তমানে ভীষণভাবে দেশের লোককে নিষ্পেষিত কর্ত্তে সেটা দূরীভূত কর্ত্তে না পারলে দেশের অধিবাসীদের বাঁচবার উপায় থাকবে না। আজ সেটা সকলের আগে বিবেচনা করা উচিৎ। আমার European বন্ধুগণ এবং আমার জমিদার capitalist বন্ধুগণ যদি এই বিষয়টি ভেবে দেখেন তাহলে তাঁরা এতে অন্যায় কিছু দেখতে পাবেন না। জমিদার বন্ধুগণ দেখতে পাচ্ছেন তাদের জমিদারী অনেক নীলামে চড়ে যাচ্ছে, কেননা কৃষকদের টাকা দেবার সামর্থ্য নেই। আজ যদি তাদের সামর্থ্য থাকত তাহলে জমিদারি নিলামে উঠত না। কিন্তু তার বিপরীত অবস্থা হচ্ছে দেশের নিরাশ্রয়,জনসাধারণের দুর্দ্দশার জন্য। কিন্তু তারা নিজেদের স্বার্থে অন্ধ হয়েছে। কিকরে জনসাধারণের মুক্তি হতে পারে সঙ্গে সঙ্গে তাদেরও কি করে উন্নতি হতে পারে তা ভাববার সুযোগ পাচ্ছে না। আমার মনে হয় যে তাদের মোহ সত্বর ঘুচবে। আর আমার যে সমস্ত coalition বন্ধুগণ জনসাধারণের পক্ষ থেকে নির্ব্বাচিত হয়েছেন, তাঁদের কাছে বিশেষ অনুরোধ—তাঁদের গোজামিল দিয়ে capitalist এবং জনসাধারণের দাবীর মাঝামাঝি একটা compromise করে 8 per cent. or 10 per cent. সুদ নির্দ্ধারণ করার কোন প্রয়োজন নেই। তাঁরা যদি সাহস করে চলেন, জনসাধারণের মুক্তির উপায় বিবেচনা করে চলেন তাহলে এ দেশের সমস্ত লোক তাদের সঙ্গে যোগ না দিয়ে থাকতে পারে না। তাতে নির্দ্দিষ্ট কোন মন্ত্রীর মন্ত্রীত্ব থাকবে কিনা বা ব্যক্তি বিশেষের বা নির্দ্দিষ্ট কোন দলের সমর্থন পাওয়া যাবে কিনা তা না দেখে এবং স্বার্থপরের মত নিজেদের লাভের দিক না তাকিয়ে যদি তারা নিজেদের কর্ত্তব্যের দিক দিয়ে বিচার কর্ত্তে পারেন তাহলে তাদের কর্ত্তব্য তারা সুসম্পন্ন কর্ত্তে পারবে,এবং দেশের মঙ্গল করে সমস্ত দেশের জনসাধারণের আশীর্ব্বাদ লাভ কর্ত্তে পারবে।

Rate of interest আরও কমাবার পক্ষে যুক্তি এই যে, যে সময়ে টাকা ধার দেওয়া হয়েছিল সে সময়ে টাকার যে মূল্য ছিল তার চেয়ে টাকার মূল্য অনেক বেশী বেড়ে গেছে। তখন যে জিনিষের দাম ছিল ১০০৲ এখন সে জিনিষের দাম হয়েছে ২০৲। তখন ১০০৲ দিয়ে যে সমস্ত জিনিষ কেনা যেত,এখন ২০৲ দিয়ে সে সমস্ত কেনা যায়। কাজেই আগেকার সঙ্গে তুলনা করলে 8 per cent. or 10 per cent. সুদ অত্যন্ত বেশী বলে মনে হয়। কাজেই এখন আমার অনুরোধ সুদের হার আরও কমিয়ে দিয়ে 6 per cent. বা 4½ per cent. বা 3 per cent. যদি গ্রহণ কর্ত্তে পারা যায় তা হলে ভাল হয়।

এই সম্বন্ধে আমি আমার মহাজন বন্ধু যারা আছেন, European বন্ধু যারা আছেন তাদের বলছি—ভয় করবার কোন কারণ নেই। তাতে তাদের টাকা আদায়ের সুবিধা হচ্ছে—যেখানে আদায় হবার কোন সম্ভাবনা ছিল না। আগে খাতকদের সম্পত্তি কি করে আত্মসাৎ করা যেতে পারে সেই দিকে লক্ষ্য করে অনেকস্থলে টাকা ধার দেওয়া হ'ত। এবার সেভাবে নয়; টাকা ধার দিয়ে জনসাধারণের কি করে উপকার করা যায় সেই দিক দিয়ে প্রবৃত্তি আসবে। দেশের শিল্প-বাণিজ্যের নানাদিক দিয়ে সুবিধা হবে।

এ সম্বন্ধে মন্ত্রিমহাশয়ের নিকট একটা বিষয় বলতে হচ্ছে। কারণ আর একটা অসুবিধা হচ্ছে এই যদি মহাজন সুদের দায়ে খত বদলি করে, সুদে আসলে নূতন খত নিয়ে নেয়, অথবা সুদের জন্য নূতন খত নিয়ে নূতন liability র সৃষ্টি ক'রে থাকে, তা'হলে তার কি ব্যবস্থা হবে তার পরিষ্কার উল্লেখ নেই। মহাজনেরা অত্যন্ত চালাক। কি করে খাতককে সুদ আসল ধরে জড়িয়ে রাখতে হয় তা তারা জানে। মহাজনেরা যে সকল গোলকধাঁধা সৃষ্টি করে বসে আছে খাতকদের তাহতে মুক্ত হবার শক্তি নেই। তাদের এই সব গোলকধাঁধা ভেঙ্গে দিতে হবে। তা ভাঙ্গতে না পারলে জনসাধারণের উপকার করা সম্ভবপর হবে না। সেইজন্য মনে হয় Government এর বিবেচনা করে দেখা উচিৎ এবং এই আইনে যদি কোন গোজামিল

থাকে সেটা শুধরে নিয়ে আইনটাকে ঠিক করে নেওয়া উচিৎ। এ বিষয়ে আর অধিক কিছু বলতে চাই না। শুধু বলতে চাই Government যে সুদের হার নির্দ্ধারণ করেছেন তা অত্যন্ত বেশী এবং তা কমিয়ে দেওয়া উচিৎ। আমার অভিমত সুদ কমিয়ে দেওয়া সম্বন্ধে যে সমস্ত amendment আনা হয়েছে তা নির্দ্বিধায় pass করা উচিৎ।

**Mr. J. N. GUPTA:** Mr. Speaker, Sir, I associate myself with those friends who have opposed the motion of Mr. Khaitan. What is the object of bringing in this legislation here? It is very simple and clear. When people cannot live without protection, when friends and relatives are oppressing and when one brother is up against another brother, there is need for legislation and this is the situation at present. There is no other way to stamp out the evils that are eating into the vitals of our economic life. Ninety per cent. of the people in this province are really poor and 10 per cent. may be those who are enjoying at the cost of 90 per cent. Who are they? A selected few, who are investing money, enjoying exorbitant rate of interest and crushing all their brothers and relatives without any human consideration. They have not any humanitarian sentiments. They do not care for the poor borrowers. They are talking about the Reserve Bank, the Central Bank, the Imperial Bank, the National Bank, and so on. Sir, we do not recognise any bank. We only recognise the banks of sympathetic hearts and human treatments. We only recognise those who have got sympathy towards the down-trodden people. Sir, Mr. Khaitan has suggested 5 per cent. interest for thirty years. It comes to Rs. 150. May I ask Mr. Khaitan and men of his class if ever they have waited for thirty years. Just after the close of the third year, they sue the debtor and obtain a decree against him. Sir, they now talk of five per cent. interest for thirty years, but they have been taking interest at 24 per cent.; still they are not satisfied. They have enjoyed for over a hundred years at the cost of these men and still they want to maintain their position by enjoying the same thing. Sir, if they do not take lessons in time, I must warn them that the time is not far distant when their capital will be found nowhere, if we cannot get this Bill passed it is better for us to drown ourselves into the water of the Ganges and die there. (Cries of "Hear, hear" from the Congress Benches.) Sir, what have we come here for? What is the condition of the people now? Ninety per cent. of the people are being starved on the lowest possible wage. They have practically no means for their subsistence; they are ill-clad, half-fed and famished, diseased; they have to maintain large families and dependants numbering ten, fifteen or even twenty men. Sir, the country as a whole is economically in a hopeless condition. If we go to the zamindars, they are helpless; their properties have been sold and most of them have been thrown on the streets and have been seeking for jobs and employments. The jotedars have become practically

extinct, but the condition of the cultivators is the worst. On the other hand, the money-lenders have thrived all along in towns as well as in the countryside. I know of persons who went to villages about thirty years back with bundle of cloth and started money-lending business. They have built up huge fortunes for themselves and have built palatial buildings of their own. Where did they get all this money from? They did not get it out of the earth by digging wells; there was no shower of gold coins from the heavens; they have not got it even from any sweepstake. They have amassed it by robbing the poor people of their hard-earned mites. It is, therefore, a redeeming feature no doubt that the present Government have come forward with this beneficial measure, and I am proud to say that this ours is the only Legislature in India to-day which has shown real sympathy for the poor toiling millions of people. Sir, we congratulate the Ministry for coming forward with such a piece of legislation which is the only popular measure that has ever been enacted in this province. I therefore oppose the motion of Mr. Khaitan.

**Mr. AHMED HOSAIN:** Sir, I will be very brief in my speech, and in fact we on this side of the House have always been very sparing in speeches on this piece of legislation, because we always desired that the passage of the Bill should not be delayed in any way.

Sir, the section under discussion involves three points, firstly, *damdupat*; secondly, rate of interest; and thirdly, retrospective effect. As regards *damdupat*, its future effect has nothing to frighten my friends who have opposed this clause, because in future the money-lenders will advance their money after knowing fully well that they are not going to have more than double at any rate; so they will adjust themselves with the provisions of the law, they will realise their money as soon as it is doubled and will not sit idle. So for the future they have no difficulty. As regards the past, it is our and perhaps every body's desire to lead the people anyhow out of the woods. We desire to give retrospective effect, because in the past there was no law, so to say, to save the debtors from the money-lenders and the paying capacity of the people has diminished. In the past chaos prevailed. In the past almost all the loans that were advanced can be said to be unconscionable loans and all the contracts that were made were wicked contracts. So I would ask my European friends not to be afraid of this legislation on account of its retrospective effect. My friend Mr. Khaitan is not here. Had he been here, I would have asked him not to be inordinate in his desire for profit in circumstances in which it has become impossible to get back the principal money. I would have asked him not to kill the goose in his greed for more golden eggs. Sir, we may say that we have been actuated by a desire to save the goose so that we may have golden eggs

in future. It is our desire to help the cultivators it is our desire to save them from the incubus of past loans and to stabilise the society.

As regards the rate of interest, there was of course much scope for lessening it, but in our decision we have been actuated and led by various considerations and our party has arrived at the decision that the rates of interest should be 8 and 10 per cent. for the time being I was personally in favour of 5 and 9 per cent., and I suggested that rate originally in my own Bill. But we are not going to take that step as we had to arrive at this decision after carefully weighing conflicting views and interests. My friend on the opposition, Mr. Abu Hossain Sarkar, suggested that the rate should be 3 and 4½ per cent. I can quite understand him because if the Government proposed 1 per cent., he would have proposed zero per cent.; it is opposition for opposition's sake. But we think that for the present we are sticking to the golden mean, and by sticking to this golden mean we will be able to give ample relief to the people. Sir, for once at least my friends on the Opposition, that is the Congress Benches, have said good things about the Ministry and the Coalition Party. For once at least they have appreciated that in enacting this section Government have done something which is good, it is a happy sign and I can assure my Congress friends that had they behaved in this way we could do much better work. In the past we have seen that they had nothing good to say of the Ministry (Babu NAGENDRA NATH SEN: Because nothing good was done) You may say so, but we know that many good things were done. I tell my European friends once again ——(Mr. ABU HOSSAIN SARKAR: They require no assurance from you)——we know quite well that in the case of substantive laws it is not usual to give retrospective effect and in case of objective laws retrospective effect can be given But in this case we have given retrospective effect for reasons that in the past there was no law and the paying capacity of the people has dwindled. We are enacting a law which we expect will bring in cosmos. So we are quite justified in giving it a retrospective effect

With these words, Sir, I oppose all the amendments and lend my support to the Hon'ble Minister in this matter.

**Mr. SPEAKER:** I am sorry, we have not been able to finish any of the clauses during the whole of the day. There are still two more speakers to speak, but it is no use detaining the members to-night. I would, therefore, like to adjourn the House now

## Adjournment.

The House was then adjourned till 4-45 p.m. on Friday, the 23rd June, 1939, at the "Assembly House", Calcutta.

## Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 23rd June, 1939, at 4-45 p.m.

### Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 190 members.

### Oath or Affirmation.

The following member made his Oath or Affirmation of allegiance to the Crown:—

Srijut Pratul Chandra Ganguly.

## STARRED QUESTIONS

### (to which oral answers were given)

### Students who have secured appointments after passing from the Government Commercial Institute, Calcutta.

*519. **Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the last five years the number of Muslim and Hindu students who have been provided with jobs both in Government and mercantile offices after passing from the Government Commercial Institute, Calcutta?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a list showing for the last five years the names of candidates with community to which each belonged, recommended for employment by the Institute authority?

(*c*) If the number of Muslims amongst them was small, will the Hon'ble Minister be pleased to state the reasons?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq):** (*a*) No statement can be furnished as there is no system in operation to maintain contact with students passing out of the Institute.

(*b*) A list is laid on the table.

(*c*) Muslim students who do well in the examination usually go up for B.Com. and are not candidates for immediate employment. Others secure jobs by their own efforts and are not available at the time an enquiry is received.

*Statement referred to in the reply to clause (b) of starred question No. 519, showing for the last five years, the names of candidates, with community, recommended for employment by the Government Commercial Institute.*

[*M* against a name indicates Muslim, *C* Christian; the rest are Hindus]

*1934-35.*

1. Hari Nath Sen Gupta.
2. Shyma Das Chatterjee.
3. Kamalakshya Pada Chaudhury.
4. Amiya Mohan Bose.
5. Subhas Chandra Datta.
6. Nritya Gopal Chakravarty.
7. Guru Das Banerjee.
8. Nakuleswar Ghatak.
9. Byomkesh Sanyal.
10. Radha Madhab Mukherjee.
11. Bibhuti Bhusan Banerjee.
12. Golam Jaher Ali Khan (*M*).

*1935-36.*

1. Amarendra Nath Mukherjee.
2. Kamala Sankar Ghosh.
3. Harinath Sen Gupta.
4. Pulin Behari Rout.
5. Mervin White (*C*).
6. Talib-uz-Zaman (*M*).
7. S. Habibur Rahman (*M*).

*1936-37.*

1. Ashutosh Dey.
2. Abdus Samad (*M*).
3. Sunil Krishna Das.
4. Prafulla Kumar Bhattacherjee.
5. Amarendra Nath Mukherjee.
6. Ram Sankar Mukherjee.
7. Subal Sakha Sen Gupta.
8. Ranajit Kumar Chatterjee.
9. Bibhuti Bhusan Ganguly.
10. Panna Lal Banerjee.
11. Durgapada Chatterjee.
12. Shymadas Lahiri.
13. Haran Chandra Das.
14. Paresh Nath Pal.
15. Niranjan Banerjee.
16. Rabindra Nath Banerjee.
17. Anil Bhusan Putatunda.
18. Nagendra Nath Chatterjee.
19. Satya Charan Ghosh.
20. Bholanath Banerjee.
21. Ranesh Chandra Datta Roy.
22. Biswanath Chatterjee.
23. Siba Prosad Ghosh.
24. Ramranjan Banerjee.
25. Mehdi Hasan (*M*).
26. Ranajit Kumar Ghosh.
27. Guru Das Banerjee.
28. Sudhangsu Kumar Bose.
29. Nilkanta Bhattacherjee.
30. Satya Kinkar Banerjee.
31. Pulin Behari Rout.
32. Naresh Kumar Basu.
33. Amiya Kumar Banerjee.
34. Iskander Ali Chaudhury (*M*).

*1937-38.*

1. Debendra Nath Brahma.
2. Bireswar Chatterjee.
3. Panchanan Chatterjee.
4. Narayan Das Mukherjee.
5. Pratul Chandra Ghosh.
6. Apurba Krishna Datta.
7. Ambika Charan Mukherjee.
8. Anil Bhusan Putatunda.
9. Sukumar Ghosh.
10. Satya Charan Ghosh
11. Jyotisbasu Roy Choudhury.
12. Mohini Mohan Mukherji.
13. Tarak Nath Bhattacharjee.
14. Narendra Nath Banerjee.
15. Nilratan Mukherjee.
16. Md Abdul Wahab (*M*).
17. Pratulla Kumar Pal.
18. Arun Bose
19. Biswanath Chatterjee
20. Jiban Krishna Haldar.
21. Ashutosh Dey
22. Krishnadhan Karmakar.
23. Tarapada Haldar.
24. Durgapada Chatterjee.
25. Manasha Charan Ganguly.
26. Ranajit Kumar Chatterjee.
27. Basudeb Ghosal.
28. Biswanath Sarkar.
29. Manindra Nath Deb.
30. Rabindra Nath Banerjee
31. Mahadeb Chandra Sen.
32. Amarendra Nath Mukherjee.
33. Ranajit Kumar Mustafi.
34. Brindaban Chandra Basak.
35. Ranesh Chandra Datta Roy.

36. Sunil Krishna Banerjee.
37. Ram Sankar Mukherjee.
38. Arun Jyoti Bose.
39. Nirmal Krishna Nag.
40. Satyendra Nath Datta.
41. Pannalal Banerjee.

*1938-39.*

1. Md. Khalilur Rahman (*M*).
2. Shaikh Subhan Ali (*M*).
3. Salil Kumar Basu.
4. Sachindra Nath Banerjee.
5. Birendra Bhusan Ghosh.
6. Ramendra Nath Datta.
7. Golokesh Ghosh.
8. Basudeb Ghosal.
9. Asoke Kumar Sen Gupta.
10. Sibsankar Chatterjee.
11. Nritya Gopal Chakravarty.
12. Sudhir Kumar Banerjee.
13. Nitaipada Das.
14. Baridbaran Mukherjee.
15. Md. Abdul Latif (*M*).
16. Jiban Krishna Haldar.
17. Sankar Das Banerjee.
18. Kshitish Chandra Roy.
19. Kanai Lal Basu Mallik.
20. Nagendra Nath Chatterjee.
21. Amulya Chandra Mukherjee.
22. Sourendra Nath Ghosh.
23. Ganeshpada Banerjee.
24. Abani Bhusan Chatterjee.
25. Haran Chandra Das.
26. Brindaban Chandra Basak.
27. Prafulla Kumar Bhattacherjee.
28. Bijon Kr. Sen Gupta.

**Maulvi ABDUL BARI:** Has the attention of the Hon'ble Minister been drawn to the lists for the years 1937-38 and 1938-39 where it is shown that in the year 1937-38 out of 41 passed candidates only one Muhammadan was appointed and in the year 1938-39 out of 28 passed candidates only three Muhammadans have been appointed?

**Mr. SPEAKER:** Not appointed, but only recommended for appointment.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Yes, my attention has been drawn to these lists, and I have asked the Principal to furnish information as to the number of students who actually passed that year.

**Maulvi ABDUL BARI:** Will the Hon'ble Minister be pleased to state who is the recommending authority?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** There is no recommendation. The Principal has been asked to supply names, and I believe that he will do so.

**Maulvi ABDUL BARI:** Will the Hon'ble Minister be pleased to state how many Muhammadan students applied for appointment during these periods, namely, 1937-38 and 1938-39?

**Mr. SPEAKER:** From the Commercial Institute?

**Maulvi ABDUL BARI:** Yes, Sir.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** That is exactly the information that I have asked for, and if the honourable member wants to press his question, I will supply the information later on.

## Working of the Bidyadhari Spill Area Fishermen's Co-operative Society, Limited.

***529. Sj. ASHUTOSH MULLICK:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact that complaints were made regarding the working in the Bidyadhari Spill Area Fishermen's Co-operative Society, Limited, and against the Co-operative Auditor in that connection?

(*b*) If the answer to (*a*) is in the affirmative, what action, if any, was taken in the matter?

(*c*) Is the Hon'ble Minister aware that losses were incurred by the society during the period the said Auditor was in its charge?

(*d*) If the answer to (*c*) is in the affirmative, what was the amount of that loss?

(*e*) For what period or periods did the said Auditor hold such charge?

(*f*) Is the Hon'ble Minister aware that advances for purposes of development of the fishery were made to the society by the Bengal Provincial Co-operative Bank as well as by the Registrar from funds within his administrative control (e.g., the Development Fund)?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) when were the advances made;

(*ii*) the amounts of such advances; and

(*iii*) what amounts of such advances have been recouped from the society up to 31st December, 1938?

**MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick):** (*a*) and (*c*) No.

(*b*) and (*d*) Do not arise.

(*e*) From 1st April, 1937, to 1st December, 1938.

(*f*), (*g*) (*i*) and (*ii*) Investments by one Co-operative Society in another Co-operative Society are the private affairs of the societies concerned, and Government are not responsible for these matters.

A sum of Rs. 7,141-10-9 was advanced from the Development Fund in September, 1933.

(*iii*) The honourable member is referred to the answer given to item (*x*) of part (*d*) of the answer given to starred question No. 474 on the 26th May, 1939.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if any complaint was received by Government regarding the administration of the Fishermen's Co-operative Society in the Bidyadhari Spill area?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** The question was specifically asked and I have given the answer "no".

**Dr. NALINAKSHA SANYAL:** This is a supplementary question. Will the Hon'ble Minister please give an answer?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** My answer is in the negative.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if it is a fact that complaints about discrimination in the matter of allotment of a certain portion of the Bidyadhari Spill area in favour of this society was received by Government?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** Not to my knowledge, Sir.

**Dr. NALINAKSHA SANYAL:** Is the Hon'ble Minister aware that in this House a few days ago a question was asked to which the Hon'ble Minister in charge of Communications and Irrigation Department did answer to that effect?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** That might have been the case, so far as the Irrigation Department is concerned, but nothing was addressed to me.

## UNSTARRED QUESTIONS

**(to which answers were laid on the table)**

### East Indian Railway Employees' Co-operative Credit Society.

**255. Miss P. B. BELL-HART:** (*a*) With reference to his answer to unstarred question No. 112 on the 29th March, 1939, will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether the amount involved, viz., Rs. 15,510, was recovered from the persons concerned?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state how was the loss made good to the East Indian Railway Co-operative Credit Society?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** (*a*) Yes. In the first case the amount was made good by the National Bank of India and in the second case by the clerk who committed the fraud.

(*b*) Does not arise.

**Mr. PROMATHA RANJAN THAKUR:** With reference to answer (*a*), will the Hon'ble Minister be pleased to state the actual amounts recovered from the clerk as well as the National Bank of India respectively?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** The whole of the amount was recovered. That is the answer that I have given; and in reply to the question that was asked on the last occasion I think I answered it, and I can refer the honourable member to that answer.

### Auditors of Co-operative Societies, Rampurhat, Birbhum.

**256. Mr. DHIRENDRA NARAYAN MUKHERJI:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that two Auditors of Co-operative Societies in the Rampurhat subdivision, Birbhum district, were suspended in May-June, 1938;

(*ii*) that criminal prosecutions were started against them; and

(*iii*) that the prosecutions have been dropped?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, what are the reasons?

(*c*) Will the Hon'ble Minister be pleased to state what steps did the Registrar, Co-operative Societies, take by way of warning to all departmental staffs against similar corruption in future?

(*d*) Are the Government considering the desirability of laying on the table a statement showing from the 1st April, 1937, to the 31st January, 1939, the names of the employees of the department—

(*i*) dismissed,

(*ii*) degraded, or

(*iii*) suspended,

noting against each individual the punishment (with date), the nature of the offence and the period spent in suspension?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** (*a*) Yes.

(*b*) The Public Prosecutor advised that there was no evidence to establish that any criminal offence had been committed.

(*c*) A circular was issued by the Registrar warning departmental officers against such irregularities in future.

(*d*) No. A statement of offences committed with the punishments awarded is laid on the Library table. I regret that in the public interest it is not desirable to disclose the other details.

## GOVERNMENT BILL.

### The Bengal Money-lenders Bill, 1939.

**Sj. NARENDRA NATH DAS GUPTA:** Mr. Speaker, Sir, আমি শ্রীযুক্ত নগেন্দ্রনাথ সেন মহাশয় যে সংশোধনী প্রস্তাব উপস্থিত কোরেছেন সেই সম্বন্ধে অর্থাৎ তিনি যে দশ টাকার জায়গায় সাড়ে-সাত টাকা এবং আট টাকার জায়গায় পাঁচ টাকা ছোক—প্রস্তাব কোরেছেন আমি সেই প্রস্তাব সমর্থন করবার জন্য দু-চারটে কথা বোলবো। Coalition Party র সভ্য আমাদের জনৈক বন্ধু আমাদের কংগ্রেস্‌দলকে কটাক্ষ কোরে বোলেছিলেন "আমরা যে প্রস্তাব সুদ-সম্বন্ধে কোরবো, কংগ্রেসীরা তার চেয়ে কমাবেই। আমরা যদি করি এক টাকা, তা'হলে কংগ্রেসীরা তাকে কমিয়ে কোরবে শূন্য টাকা" কিন্তু আমি তাঁকে উদ্দেশ্য কোরে বোলতে পারি, যে কংগ্রেস আর কোয়ালিশন পার্টির মধ্যে কোনখানে তফাৎ। কংগ্রেস যাহা জাতি এবং দেশের জন্য মঙ্গলজনক মনে করে তাই করে। অন্য পার্টি কি বিবেচনা কোরবে, এবং তাদের কি-প্রকারে দমন করা যায় সেই বুদ্ধিদ্বারা পরিচালিত হোয়ে কংগ্রেস চলে না। (A MEMBER FROM THE COALITION PARTY: নিশ্চয়ই না।) এবিষয়ে আমাদের কংগ্রেসের উদ্দেশ্য হোচ্ছে প্রধানতঃ এই, আমাদের অনেক বন্ধুই বার বার বোলেছেন, যে যারা অধমর্ণ, যারা ঋণভারে প্রপীড়িত তাদের বর্ত্তমান দারিদ্র ও আর্থিক দুরবস্থা থেকে এবং দেনা ও ঋণের ভার থেকে যাতে রক্ষা করা যায় এবং ভবিষ্যতেও তারা উত্তমর্ণের নানা-প্রকার অত্যাচার এবং দুর্দ্দমনীয় লোভের প্রভাব হোতে মুক্ত হোতে পারে তারি ব্যবস্থা করা।

আমাদের দুর্ভাগ্যক্রমে এই পরিষদে এরকম অনেক সভ্য আছেন এবং তাদের সংখ্যা Coalition Party র মধ্যেই অধিকাংশ, যারা নাকি এই আইন করার সময় এই প্রকার বুদ্ধিদ্বারা প্রভাবান্বিত যে যারা অধমর্ণ বা যারা দেনার দায়ে একেবারে ডুবে যাচ্ছে তারা রক্ষা পাক না পাক সেদিকে তাহাদের দৃষ্টি দেবার কোন প্রয়োজন নাই, যতটা প্রয়োজন যারা উত্তমর্ণ, অর্থাৎ সুদ খায় তাদের ধ্বংস করা। এক কথায় অধমর্ণকে রক্ষা করা নয়, তাদের উদ্দেশ্য হচ্ছে উত্তমর্ণকে ধ্বংস করা এবং সেই উত্তমর্ণকে ধ্বংস কোরতে যেয়ে অধমর্ণও যদি ধ্বংস হোয়ে যায় তাতেও তাদের আপত্তি নাই। অধমর্ণকে রক্ষা করা এবং তাকে রক্ষা কোরতে যেয়ে উত্তমর্ণকে যতখানি শাসন করা প্রয়োজন, যতখানি সংযত করারা দরকার আইনের ভিতর দিয়ে ততখানি করাই হলো আসল কথা। কিন্তু আমাদের যদি এই-রকম মতলব হয় যে যে-কোন রকমেই হউক উত্তমর্ণকে ধ্বংস কোরতেই হবে তা'হলে সঙ্গে সঙ্গে এ-কথাও ভেবে দেখতে হবে যে পৃথিবীতে ঋণের প্রয়োজন যখন একেবারেই উঠে যায় নাই, তখন উত্তমর্ণের অস্তিত্ব লোপ কর্লে কেমন করে চলবে। অবশ্য আমার একজন বন্ধু ব'লেছিলেন যে "আমরা সকলেই ভাই-ভাই এবং এক ভাইয়ের অভাবে, ভাইয়ের আপদ-বিপদে আর এক ভাই সাহায্য কোরবে। এটা হোচ্ছে সত্যযুগের নীতি এবং সেই সত্যযুগ যখন আসবে তখন আর মানি-লেণ্ডার বিলের কোন প্রয়োজনই হবে না, লেন-দেন আপনা-আপনিই উঠে যাবে। কিন্তু এখন সমাজের যে অবস্থা তাতে Money-lenders Bill এর প্রয়োজন আছে। কারণ সহোদর ভাইকে পর্য্যন্ত টাকা দেবার সময় হিসাব করা হয় টাকাটা ফিরে পাওয়া যাবে কি না। এ-রকমের বহু দৃষ্টান্ত দেখা যায় যে ভাইকে যখন ধার দেওয়া হয় তখন বলা হয় যে "আমার কাছে টাকা নাই, আমার বন্ধুর কাছ থেকে টাকা এনে দিতে পারি—যদি তুমি বৌএর গয়না বাঁধা রাখো।" এই-রকমের দুর্ভাগ্য নিয়েই আমাদের বহু-লোকের সংসার-যাত্রা পরিচালিত হোচ্ছে। অতএব যখন ভাইয়ের জন্য ভাই সহানুভূতি করে না তখন প্রতিবেশীর জন্য প্রতিবেশী কোরবে, এ-রকম মহানুভবতা কোন ব্যক্তিবিশেষের কাছ থেকে সম্ভব হ'লেও সমাজের মধ্য থেকে পাবো বোলে

আমি বিশ্বাস কোরতে পারি না। আমার বন্ধুবর সিদ্দিকি সাহেব বোলেছেন যে মুসলমানদের আইনে সুদ নেওয়া নিষেধ। হিন্দু আইনেও ব্রাহ্মণ এবং ক্ষত্রিয়ের পক্ষে সুদ নেওয়া নিষেধ। (Laughter was heard from the Coalition Group.) আপনারা যারা শাস্ত্র না জানতে পারেন তাদের পক্ষে হেসে ওঠা কিছু অস্বাভাবিক নয়, মনকে পরমত সহিষ্ণুতার অনুকূল কোরে তোলার যোগ্যতা জ্ঞানের উপরই নির্ভর করে। অজ্ঞ-লোকেই একটু বেশী বেশী হাসে। কিন্তু আমি এ-কথা আপনাদের জোরের সঙ্গেই জানিয়ে দিচ্ছি যে আমাদের স্মৃতির অনুশাসন যেমন বহু-বহু ব্রাহ্মণ মানেন না, এবং টাকা ধার দিয়ে সুদ নেন, ব্রাহ্মণ-জাতির মধ্যে এ-রকম লোকের সংখ্যা একেবারে কম নয়; তেম্নি মুসলমান সমাজেও এ-রকম হাজার-হাজার লোক আছে যারা শরিয়তের ফতোয়া অগ্রাহ্য কোরে দিব্যি সুদ নেয়। কাজেই শাস্ত্রের অনুশাসন বা শরিয়তের ফতোয়া অথবা সমাজের সহযোগীতা-বোধ কিছুতেই যখন অপরকে বিনা সুদে টাকা দেবার মহানুভবতা মানুষের বিবেকে পরিস্ফুট হয় না, তখন বাস্তব-জগতে এটা স্বীকার কোরতেই হবে যে লোকের কাছ থেকে টাকা পেতে হ'লে সুদ দিতেই হবে। অবশ্য এমন এক দল লোক আছে যাঁরা টাকা ধার নেন এবং নিজেদের প্রয়োজনবশতঃই নেন কিন্তু ফেরৎ দেবার সময় রাগ করেন, তাদের সেই রাগের দিক দিয়েই আইন রচনা করা সঙ্গত হবে কি না সে বিষয়ে আমাদের মনে বিশেষ সন্দেহ আছে। এখন কথা হোচ্ছে যারা ঋণভারে প্রপীড়িত তাঁদের বাঁচবার জন্য এবং যারা ভবিষ্যতে ঋণ কোরবে তাদেরও সুবিধা করার জন্য কি করা যায় সর্বশ্রেষ্ঠ ব্যবস্থা হোচ্ছে সুদের হার কমিয়ে দেওয়া। যখন সুদের হার অত্যন্ত বেশী হওয়ার দরুণ দেনা অসম্ভব রকম বেড়ে ওঠে, তখন সে-টাকা পরিশোধ করা অনেকের পক্ষেই অসম্ভব হয়ে উঠে আজ যে আমরা অল্প সুদে টাকা ধারের ব্যবস্থা কোরতে চাই তার ফল এই হবে যে যাদের আয় অল্প তারা তাদের সেই অল্প আয়ের ভিতর দিয়েও দেনা শোধ দিতে পারবে। কিন্তু সুদের হার যতই বেশী হবে ততই তাদের পক্ষে দেনা শোধ দেওয়া কঠিন হবে। সুদ বাড়তে ২ দেনার বোঝা বিপুল হয়ে উঠবে; সুতরাং সুদ কমানোর প্রস্তাব দ্বারা শুধু যে অধোমর্ণেরাই উদ্ধার হবে তা নয়, উত্তমর্ণেরাও বাঁচবে, কেননা অল্প লাভেও যদি তাদের ঘরের টাকা ঘরে আসে, তাহলেই তাদের কারবার খুব নিরাপদ ভাবে চোলতে পারবে। আর অধোমর্ণেরা যদি অল্প-সুদে টাকা পায় তাহলেই তাদের সে-টাকা পাওয়া সার্থক হবে—কেন না তারা সেই টাকা দিয়ে অভীষ্ট কাজ কোরতে পারবে।

আমার এক বন্ধু বোলেছেন যে মহাজনেরা সাধারণতঃ গ্রামে গ্রামে ঘুরে ঘুরে সরল প্রকৃতির লোকদের ধোরে তাদের ভাওতায় ভুলিয়ে তাদের টাকা গছায় এবং শেষটায় তাদের সর্বনাশ করে, সুতরাং তাদের ধ্বংস করার প্রয়োজন আছে। কিন্তু আমার দুর্ভাগ্যক্রমে পল্লী-অঞ্চলে এ-রকম একটী মহাজনের দর্শন লাভ আজো আমার ঘটেনি যে নাকি বাড়ী বাড়ী ঘুরে লোকদের টাকা দেয়। আমার সৌভাগ্য কি দুর্ভাগ্য জানিনে আমার জীবনে টাকা ধার দেবার সম্ভাবনা ঘটেনি, কিন্তু টাকা ধার নেবার দুর্ভাগ্য অনেক বারই ঘটেছে। যদি এ-রকম একটী লোক পাওয়া যেতো যে নাকি বাড়ী বাড়ী ঘুরে ঘুরে টাকা ধার দেয় তাহলে টাকা ধার নেবার জন্য লোকের দুয়ারে দুয়ারে ঘুরে বিড়ম্বনা ভোগ কর্তে হ'তনা। যে বন্ধু এ-রকম লোকের কথা বোলেছেন তিনি যদি দয়া কোরে তাদের ঠিকানাটা দেন তাহলে আমার মতন লোক যার মাঝে মাঝে টাকা ধার কোরতে হয় বেঁচে যেতে পারে। এ-রকম লোক বাস্তবিকই আছে কি না জানি না। হয়তো থাকতে পারে। কারণ একজন Hon'ble Member যখন বোলেছেন তখন নিশ্চয়ই আছে, না থাকলে, নাহলে বলতে হয় তিনি কাল্পনিক-ভাবেই বোলেছেন—এতটা অপবাদ দেওয়া আমাদের সভ্যদের পক্ষে ঠিক হবে না।

তার-পর সুদের হার কমাতে চাওয়ার মানে অপর দলকে জব্দ করার উদ্দেশ্য নয়। সুদের হার কমাতে হবে এই জন্য যে এতে অধোমর্ণ এবং উত্তমর্ণ উভয়েরই উপকার হবে। অধোমর্ণ তার

ঋণ পরিশোধ করতে সক্ষম হবে আর উত্তমর্ণেরও লোকসান কিছুই না হোয়ে সুদ জন্য হলেও লাভ থাকবে কিন্তু মধ্যমদের অর্থাৎ আইনজীবিদের লাভ বিশেষ কিছুই হবে না বরং তাদেরই হবে লোকসান। কেন না মামলা-মোকদ্দমা একেবারেই কমে যাবে। কাজেই অধ্যবর্ণদেরই এ-সম্বন্ধে বিশেষ চিন্তার বিষয়। অতএব আমি আশা করি যে আপনারা সকলে সর্ব্বসম্মতিক্রমে শ্রীযুক্ত নগেন্দ্র নাথ সেন মহাশয়ের পাঁচ টাকা ও সাড়ে সাত টাকা সুদের হারের যে প্রস্তাব সেইটে গ্রহণ করবেন।

**Mr. ASIMUDDIN AHMED:** Mr. Speaker, Sir, বঙ্গীয় মহাজনী বিলের ধারাগুলি লোকের মনের মতন সংশোধন হবে এই সংবাদে দেশের লোক বিশেষভাবে দরিদ্র খাতকের দল আনন্দে উৎফুল্ল হোয়েছিলো। দেনার দায়ে কৃষক-সমাজ কিন্তু; শুধু কৃষক সমাজ কেন মধ্যম শ্রেণীর একদল লোকও যারা দেনার দরুণ অতি কষ্টে কাল যাপন কোরছে, এবার সকল শ্রেণীরই একটা সুবিধা হবে—দেনা পরিশোধের জন্য। কেননা বাংলার ব্যবস্থা পরিষদে, এবারকার এই আইন পাশ হওয়ার দরুণ সহজে দেনা পরিশোধের একটা সহজ উপায় নির্দ্ধারিত হইবে। কিন্তু বর্ত্তমানে এই আইনের খসড়াটা কাটছাট করবার পর অবস্থা এই দাঁড়িয়েছে যে শতকরা দশ জন খাতকও এরদ্বারা উপকৃত হবে বলে আশা করা যায়না। (The Hon'ble Mr. H. S. SUHRAWARDY: তাই নাকি? খুব বুঝেছেন তো?) বুঝিয়াই বলিতেছি। প্রথমেই আমরা দেখতে পাই scheduled bank এর নিকট, notified bank এর নিকট, যে সব খাতকের দেনা আছে, আর মিউনিসিপালিটির ভিতর বাড়ী করার দরুণ এবং ইনসিউরেন্স ও কো-অপারেটিভ ব্যাঙ্ক ও বাণিজ্য বিষয়ক যে সব খাতকের দেনা আছে এই আইনের দ্বারা তাদের কিছু মাত্র সুবিধাই হবে না। (A MEMBER FROM THE COALITION PARTY: তাছাড়াও অনেক খাতক আছে, তাদের বিস্তর সুবিধা হবে।) আমি বোলছি বিশেষ কিছুই সুবিধা হবেনা। ১৯৩৩ সনে যে আইন পাশ হোয়েছে সে আইনেও—আসলের বেশী সুদ ডিক্রি হবেনা, রয়েছে, বর্ত্তমান আইনে শুধু wording এর পরিবর্ত্তণ ভিন্ন আর কিছুই বিশেষ নজর হয় না। এই Money-lending Bill এ যে আছে—আগে যে সব সুদ দেওয়া হয়েছে—সে গুলি বাদ যাবে.—একথা ভুয়ো। কারণ আগে যে সব সুদ দেওয়া হোয়েছে—তা প্রমাণ করার কিছুই নাই কেননা মহাজনেরা কখনো রসিদ দেয় না ও দলিলের পৃষ্ঠে উসুল লেখেনা। তারপর সুদের টাকার জন্য কেউ যদি দলিল সম্পাদন কোরে দিয়ে আসে, সেটা নগদ টাকার দলিল বলেই দেওয়া হয়—পরিবর্ত্তণ তমসুক বোলে লেখা হয় না। যাঁরা মফস্বলের লোক তাঁরা সকলেই স্বীকার কোরবেন যে মহাজনেরা যখন দলিল পরিবর্ত্তণ কোরে নেয় তখন পুরাতন বোলে উল্লেখ করে না নূতন দলিল বোলেই লিখিয়ে নেয়, কাজেই এ বিষয়ে যে সুবিধা দেওয়া হলো অধিকাংশ খাতকই তা গ্রহণ কোরতে পারবেনা। অতএব ৩৩ সালের আইন থেকে বিশেষ কিছু উন্নতি এ আইনের দ্বারা হয় নাই। যে লাভ টুকু হোয়েছে—তাও এপ্রিল, মে আর জুন মাসের অতিরিক্ত অধিবেশনের জন্য জনসাধারণের রক্তের ন্যায় যে টাকা খরচ হোয়েছে তাতেই শোধ হয়েছে।

এই হাউসে যে সব আলোচনা হয়েছে তাতে দেখা যায় কেউ সুদ একটু বেশী চান কেউ কিছু কম চান। কিন্তু আমি বোলতে চাই এই যে, বর্ত্তমান সময়কার দেশের অবস্থাটা আপনারা আগে ভালো কোরে জানুন। দুঃখের বিষয় আমাদের মাননীয় মন্ত্রী সাহেব যিনি নাকি এই বিলটী এখানে চালাচ্ছেন এবং অনেকগুলি amendment moye কোরেছেন তাঁর মফস্বল সম্বন্ধে কোন জ্ঞান নাই। আমরা যারা নাকি মফস্বলের লোক তারা সেখানকার লোকের অবস্থা জানরকম জানি বোলেই বোলছি যে, সুদ দেওয়া তো দূরের কথা ঋণী কৃষকের, আজ আসলটাকা দেওয়ারই

শক্তি নাই। এমনি ভদ্রলোক এবং জমিদার যারা তাদেরও দেনা শোধ দেবার শক্তি নাই। তবে একথা সকলে মুখে স্বীকার করতে লজ্জা বোধ করেন। আমার বন্ধু লোকদের মধ্যেও দু'চার জন বড়লোক ও জমিদার আছেন তাদের সম্পত্তি বিক্রয় করেও দেনা শোধ দেবার সম্ভাবনা নাই বলেই আমি জানি। এখন কথা হচ্ছে, দেশ চার দেনা একেবারে মকুব করিয়ে দেওয়া, কিম্বে দেনার জ্বালায় দেশের লোক আর বাঁচতে পারবে না। এদেশের লোক দেনার জ্বালায় পাহাড়ে পর্ব্বতে আশ্রয় নিচ্ছে এমন আসামে চোলে যাচ্ছে। শুধু তাই নয়, এই দেনার জ্বালায় লোকের মধ্যে চুরি, ডাকাতি খুন প্রভৃতি অশান্তির সৃষ্টি হচ্ছে। ঋণ সালিশী আইনেও দেশে বিশেষ কিছু শান্তি আসতে পারে নাই। বর্ত্তমানে মহাজনেরা আসল টাকা পেলেই বেঁচে যায়। তারা যতটা বড়লোক এতদিন ধোরে সুদ খেয়ে খেয়ে হোয়েছে, সেই বড়লোক থেকে পেলেই চোলবে। এক শ্রেণীর লোকের দাবি হোচ্ছে—বড়লোক হবো, আর এক শ্রেণীর দাবী হোচ্ছে বাঁচবার জন্য অন্নবস্ত্রের সংস্থান চাই। এর মধ্যে আমাদের কর্ত্তব্য কি? বড়লোকদের আরো বড় কোরবো, না অন্য দল যারা খেতে পাচ্ছে না তাদের বাঁচাবো? আজ এই প্রশ্নের উত্তর দেওয়ার ভার এই পরিষদের সভ্যবৃন্দের উপরে।

মহাজনী আইনের বর্ত্তমানে যেরকম বিধান করা হলো, সে বিধান অনুযায়ী, আমি সত্যকোরে বোলছি,—অধিকাংশ খাতকই দেনা আদায় কোরতে পারবেনা। তাহলেই আমাদের দেখতে হবে যে ২।৪।৫ বৎসর পর এ আইনের আবার সংশোধন করা চোলবে কিনা। কারণ দেশবাসীকে যদি এই রকম দুর্দ্দশায়—না রাখতে হয়, তাদের অবস্থার যদি একটু উন্নতি কোরতে হয়, গরীব খাতকদের বাচাতে হয়, তাহলে আবার এ আইনের amendment করার আবশ্যকতা অবশ্যই হবে। মহাজনরা আসল টাকা পেলেই যখন খুসী হয় তখন এই আইনের ভিতর দিয়ে ডবল টাকা দিবার বিধান কোরে যে draft করা হোয়েছে সেটা কার সঙ্গে পরামর্শ কোরে কোরেছে জানিনা। এখন কথা হোচ্ছে ১৯২৫-১৯২৭ সালে পাটের দর ছিলো ২৫—৩০৲ টাকা, তখন যে ব্যক্তি টাকা কর্জ্জ কোরেছিল এবং সেটাকা যদি আজো পর্য্যন্ত তারা সে দেনাই দিতে পাচ্ছেনা তাহলে এখন,—যখন নাকি পাটের দর মাত্র ৩।৪৲ টাকা, ধানের দরও একটাকা দেড় টাকার বেশী নয়, এবং তার ফলে জমির দর যখন একেবারেই নেমে গিয়েছে যে জমি ১০।১২ বৎসর পূর্ব্বে হাজার টাকা দিয়ে খরিদ করিয়াছে, তাহা এখন পাঁচ শত টাকাও বিক্রী হইবেনা। এ অবস্থায় সে ব্যক্তি কি কোরে তার দেনা শোধ দেবে,—কোন রকম যুক্তি দিয়ে তা কি কেউ দেখিয়ে দিতে পারেন? যেদিক দিয়েই বিবেচনা করা যায় সেই দিক দিয়েই দেখা যায় যে এই আইন খাতক শ্রেণীর উপকারের জন্য প্রস্তুত হয় নাই। ওদিকে দেশের বর্ত্তমান অবস্থায় গ্রাম-বাসীদের দুর্দ্দশা ক্রমশঃ বেড়েই চোলেছে। বছর বছর দুর্ভীক্ষ, বছর বছর বন্যা ও রোগের প্রকোপ এ দেশকে গ্রাস কোরছে, আইন প্রস্তুতের সময় এই সব অবস্থার প্রতি আমাদের বিশেষ লক্ষ্য রাখা দরকার। কিন্তু এই আইনটী যে ভাবে তৈরী হলো, সেটা দেখে বোধ হয় সাবেক কালে যখন নাকি দেশের অর্থনৈতিক অবস্থা ভালো ছিলো তারি দিকে দৃষ্টি রেখে যেন আইনটী করা হোয়েছে। এই হাউসের সমুদায় মেম্বর না বুঝলেও আমরা অধিকাংশ সভ্যেরাই দেশের প্রকৃত অবস্থা বুঝি, কিন্তু আমর মনে হয়—বুঝলেও—আমরা যেন কি একটা ভৌতিক অবস্থার মধ্যে পড়েছি। বুঝেও প্রকৃত কথা কেউ কিছু বোলছিনা, কিমেন একটা লজ্জার ভাবে আড়ষ্ট হোয়ে আছি। ভাবগতিক দেখে মনে হচ্ছে যে অনর্থক আমাদের সময় নষ্ট এবং জনসাধারণের কতকগুলি অর্থ নষ্ট করা ভিন্ন ফল বিশেষ কিছুই হচ্ছেনা। দেশের লোকের দুর্দ্দশার অন্ত-নাই—অনাহারে অচিকিৎসায় দেশের লোক সব মোরে যাচ্ছে। এই আইনে নিলামী সম্পত্তি ফেরতের কোন ব্যবস্থা নাই, নিলামী সম্পত্তি হইতে হাজার হাজার লোক বেদখল হয়ে পাহাড়ে, জঙ্গলে, পশুর মত আশ্রয় করে প্রাণত্যাগ করিতেছে। কিস্তিবন্দীতে দাবীর টাকা দিয়ে জমা ফেরৎ দেওয়ার ব্যবস্থা অত্যন্ত প্রয়োজন নচেৎ দেশে বিপ্লবের পথ প্রসার হবে। আপনারা আজ যদি বাস্তবিকই মেলেরিয়া, কলেরা থেকে দেশের

লোককে বাঁচাতে চান, অল্পকয় দিয়ে দেশের লোককে বাঁচাতে চান তাহলে সুদে আসলে টাকা পঞ্চাশ বৎসরের কিস্তি বন্দিতে দেওয়ার ব্যবস্থা করা উচিত। বর্তমান সময়ের যে গভর্ণমেণ্ট তা দরিদ্র প্রজার গভর্ণমেণ্ট নয়। এই গভর্ণমেণ্ট হচ্ছে অল্পলোকের গভর্ণমেণ্ট। এই গভর্ণমেণ্টের কাছে কিছু আশা কর্ত্তে পারি না। গভর্ণমেণ্টের উচিৎ nominal সুদে দাবী কোরে দেওয়া। কোন্ যুক্তির বলে তারা শতকরা ৫।৭।১০৲ টাকা সুদে প্রস্তাব করে তা বুঝিনা।

যতক্ষণ আমরা আমাদের গভর্ণমেণ্ট করতে না পারব, যতদিন নিজেদের গভর্ণমেণ্ট না হবে, কৃষকের গভর্ণমেণ্ট না হবে ততদিন আমরা এইসব আশা কর্ত্তে পারি না। কাজেই আমার বন্ধু মৌলভী আবু হোসেন সরকার এই যে বলেছেন আসল ডবলের যে দাবী সেই দাবীটা বাদ দেওয়া হউক; আমি সেই প্রস্তাব এবং যে প্রস্তাবে সুদের হার শতকরা ২৲ (?) নির্দ্ধারিত হয়েছে সেই প্রস্তাব সমর্থন করি। এর বেশী বর্ত্তমান গভর্ণমেণ্টের কাছে কিছু আশা কর্ত্তে পারি না। আমি এই বলে আসন গ্রহণ করছি।

**Maulvi ABU HOSSAIN SARKAR:** Sir, I rise to give some reasons for my amendments. The Select Committee has proposed that the money-lender will be able to realise double the principal in all, and it has also proposed in respect of interest 8 per cent. per annum for secured loans and 10 per cent. per annum for unsecured loans. By my amendments, I propose to reduce the total amount. The money-lender will be able to realise 1½ times the principal and as to the rate of interest I propose 3 per cent. for secured loans and 4½ per cent. for unsecured loans. To some of my friends in this House, this proposal may seem to be unreasonable. But I beg to submit that if we consider the persons for whom we are legislating in this House, my proposal will not be so very unreasonable as it may otherwise be supposed to be. The Select Committee proposed to include all debtors and all loans within the Bill. But by successive exclusions we have taken away most of the loans and most of the debtors from the operations of the proposed Act. We have excluded commercial loans; we have excluded loans to be granted by scheduled banks and loans to be granted by the notified banks. We have excluded loans for the purpose of erecting houses in municipal areas.

**Mr. SPEAKER:** I am afraid all these points are not relevant. You may reserve them for the third reading. At present, please confine yourself to the amendments.

**Maulvi ABU HOSSAIN SARKAR:** Sir, in this way most of the loans have been excluded and the only persons who are supposed to be affected by the Bill are the persons who will take loans for bare necessities of life, that is food and clothing. Besides these persons, i.e., persons who will take loans for food and clothing I think no other persons will be left in Bengal who will be affected or benefited by the operations of the Bill if it is passed into law. Therefore, I submit that this kind of debtors must be given opportunities to clear their debts as soon as possible, because these debts are taken not for any

kind of profession or trade but for making two ends meet. If difficulties are put in their way of clearing the debts, these poor people, the agriculturists and labourers, will be put to great hardship and difficulties. Therefore, I submit that the rate of interest should be lowered as much as possible. Three per cent. for secured loans and 4½ per cent. for unsecured loans will be quite reasonable and if they are allowed to clear their debts by giving the principal together with half the principal as interest, it will be quite reasonable.

Now, my friend Mr. Ahmed Hossain last night referred to me and he said that he could understand me quite well that I would always oppose the Government. I am glad that sense enough has dawned on him though very late, at least to understand one person in this House. I remind him that I always oppose the Government on some principles. I do not practise Boswellism; nor am I a courtier of King Canute. (A VOICE FROM THE COALITION BENCHES: You are a courtier of the Congress.) I also remind him that like him Gilzai blood never runs in my veins, so that I shall always run after a higher rate of interest. I also remind him that his Johnson this time accepted at least two of my amendments in connexion with this Bill.

Now, I want to submit a few words with respect to the opinion expressed by my hon'ble friend Mr. Khaitan. He says that if the rate of interest is drastically reduced, money will run away from Bengal and the money-lender will take shelter either in Bihar or some other country. If that be the case, I shall not be sorry for it. If money goes away, I mean the money imported from Rajputana and other places goes away to those countries with the money-owners Bengal will be rather fortunate. Again my honourable friend Mr. J. N. Basu told us last night that if drastic reductions were made in respect of interest, money might safely be deposited in some secure place in the United Kingdom. Here also I assert the same thing that if money imported into our country from the United Kingdom goes away with its owners and if the money and the owners are safely deposited in the United Kingdom Bengal will be rather fortunate. (The Hon'ble Mr. H. S. SUHRAWARDY: No, No.) I as a man, as a true-born Bengali like to be a Barbarian even in my own country instead of being exploited by moneyed exploiters. I rather like to keep iron, coal and other commercial products in my own country reserved for being used by us in time instead of being exploited by foreign capital and the imperialists who come from other countries.

**Mr. SPEAKER:** May I know how these remarks are relevant to the question of reduction of interest from 10 per cent. to 4½ per cent.?

**Maulvi ABU HOSSAIN SARKAR:** I am referring to the speech of Mr. J. N. Basu.

**Mr. SPEAKER:** You may reserve all these remarks for the third reading. I shall give you enough chance.

**Maulvi ABU HOSSAIN SARKAR:** So, I submit that reduction in the rate of interest is urgently necessary in our country for the people for whom we are legislating. I hope that if my hon'ble friends on the opposite have been making some remarks under the impression that my amendments are quite unreasonable, they will perhaps be now convinced that the poor people of this country who will be benefited or who are supposed to be benefited by the present legislation will require such drastic reduction and for them 3 per cent. and 4½ per cent., are quite reasonable. With these remarks, I commend my motion to the acceptance of this House.

**Maulvi ABDUL BARI:** Mr. Speaker, Sir, yesterday evening's debate and to-day's discussion have centred round the rate of interest. So far as the rate of interest is concerned, if I were a dictator or if I had a magic wand in my hand, the word "interest" would have been entirely extirpated from the dictionary. Sir, circumstanced as we are, and situated as we have been, it is practically impossible for us living in a land which is a cosmopolitan province consisting of those who enjoy interest and those who refuse to enjoy interest (namely, Englishmen, Hindus, Christians, Jews and Mussalmans) to wipe out the word "interest" from the Bengali or English dictionary.

**Dr. NALINAKSHA SANYAL:** What about self-interest?

**Maulvi ABDUL BARI:** Sir, it is impossible, for ordinary men to achieve miracles. It was reserved only for one man in the whole history of the world, both past and present, and that was Muhammad, who, by a single verdict of his, abolished interest throughout the whole of Arabia. Such a man does not exist and it is not possible for human beings to achieve miracles in the way in which it has been suggested by my friends Srijut Narendra Nath Das Gupta and Maulvi Abu Hossain Sarkar.

Sir, legislations are not things of sentiment, legislations are matters of reason and sanity. It is possible for people irresponsible, it is possible for critics to say anything that comes uppermost to their mind, but so far as legislators are concerned who have shouldered the responsibility of administering the country they have got a duty to their constituencies as also to others who may not agree with them. Therefore, it is not possible for the Government to act in a fashion which is only to their own interest but to act in a manner which will satisfy all sections of the people, at least the majority of them. It is always a word of wisdom to follow the golden mean. And here in this

matter Government has acted wisely in accepting the golden mean and the Coalition Party has acted more wisely in advising the Government to follow the middle course which will be to the advantage of the indebted people in that the interest with which they have been saddled may be considerably reduced and which at the same time will keep open the door of future credit transactions and not dry them up. Therefore, the principle that has been accepted by the Government, as suggested by the Coalition Party, is the best which could be done under the circumstances. Government have not tried to ride the high horse, as has been suggested by my friends Mr. Khaitan and Mr. Hendry, nor have they tried to ride a slow horse, as suggested by my friend, Mr. Abu Hossain Sarkar. Mr. Abu Hossain Sarkar has out-heroded Herod himself. I say this purposely and with a determination, because so far as the members of the Coalition Party are concerned, 99 per cent. of them are extremists in regard to the measures of legislation affecting the agriculturists and peasants. If my friend Mr. Abu Hossain Sarkar tries to reduce the rate of interest, it is only to show that he wants to go further than what has been done by the members of the Coalition Party. The members of the Coalition Party have shouldered the responsibility of administering and doing good to the people at large, and therefore they have got to see with a clear vision; they cannot allow their sight to be blurred in the way Mr. Abu Hossain Sarkar has done. Therefore, I submit that the proposal of the Government to reduce the rates of interest from 12 and 15 per cent. to 8 and 10 per cent. is the best that could be done. Of course, speeches have been made on the one side by Mr. Hashemy, Mr. Sarkar, Mr. Narendra Nath Das Gupta and others who want further to reduce the rate of interest. Here I am reminded of one thing. Only the other day I had been to the Province of Orissa where I met a prominent member of the Orissa Legislature, and I had a long discussion with him as regards the ameliorative measures that have been taken up by that Legislature or the Government of Orissa. The only thing I heard from him—and I am proud to declare here that the Province of Orissa does not stand any comparison with the Province of Bengal so far as ameliorative measures affecting the peasants are concerned—the only good thing done for the Province of Orissa was the Rent Reduction Act.

**Mr. SPEAKER:** How is it relevant, Mr. Bari?

**Maulvi ABDUL BARI:** Sir, I was saying this only to impress upon the members of the House that the members of the Coalition Party are not behind anybody, whosoever he may be, regarding ameliorative measures, and the rates of interest that have been stipulated in this Bill are an item to which the attention not only of the Opposition here but of the whole of India is drawn, because the rates of interest that

have been stipulated are the best. So far as my friend Mr. Khaitan is concerned, he wanted to raise the rate of interest higher and higher. He ought to have known—maybe he does not know—the circumstances prevailing in the countryside. He is a gentleman who resides in Calcutta and roams about in cities like Calcutta, viz., Bombay, Darjeeling, Madras, Lahore, Allahabad, etc. Therefore, he does not know where the shoe pinches. He does not know what 99 per cent. of the members of this Legislature who represent millions of people really know that unless the rate of interest is reduced to a reasonable extent, it will be impossible for them to give relief to those whom they represent. In one sense Mr. Khaitan is right. He is representing the capitalists and certainly would plead the cause of the capitalists and would not be true to his salt if he had not put up a case like that. But though he is representing the capitalists and is a friend of theirs, he ought to have known that there are others beyond the city of Calcutta living in the suburbs who really feed the people of Calcutta and fill the pockets of the capitalists. Therefore, he ought to have some sympathy, some kindness for those people who are dying under the pressure of heavy rate of interest at present. So far as the rate of interest is concerned, no country in the world,—be it self-governed, be it independent, be it a country having dominion status, or be it a subject country—has such a high rate of interest as prevails in the Province of Bengal. Therefore, it is high time that the rate of interest should be reduced, and that is why we have fixed the rates at 8 and 10 per cent. And in doing so we have looked to the interest of the other side as well, so that it must enable the tenants to get credit in order to run their daily transactions. And if the time comes and circumstances permit, this party will not hesitate even for a moment to reduce the rate of interest still lower. But that time has not yet come. Of course, it would have been better if we could wipe out the entire interest which exists, though that has been done to some extent in the Bengal Agricultural Debtors Act. But this measure is meant to control the future money-lending transaction, and therefore we have fixed the rates of interest at 8 and 10 per cent. The question regarding compound interest was raised by Mr. Hendry, and while he spoke he forgot that so far as compound interest is concerned, it has been excluded from the operation of this Bill. He was speaking about the Reserve Bank, scheduled banks and notified banks, but he forgot that those banks do not come under the operation of this Bill. So, the question of compound interest does not arise at all. Compound interest has always been hated, because it is always the man who produces and not the stone or the coin. Money does not produce money. That is why Islam has deprecated the interest. But we have to look to the interests of the Hindus, the Christians and others. My friend Mr. Narendra Nath Das Gupta has stated that according to his religion also interest is forbidden

This is the first time that we hear such a thing. Had it been so, certainly some other person would have said so long before, but that is the province which was especially meant for Islam,—absolute stoppage of interest.

My honourable friend Mr. Narendra Nath Das Gupta, while speaking, tried to draw a distinction between the Congress and the Coalition Party. I am referring to it simply because he referred to it. (Maulvi ABU HOSSAIN SARKAR: This long speech is the result of your new appointment!) My friend is disappointed with the Congress Party, but I would request him to bear in mind, because he has some affinity with the Congress and because he was disturbing me while I was speaking, that there is distinction between the Congress and the Coalition Party, and that such distinction ought to exist. The distinction is this. Congress talk loud without implementing their promises, while the Coalition Party talk less but they mean what they say and centre all their activities round constructive work. Congress carry on propaganda, but the Coalition Party are silent workers. (Mr. SASANKA SEKHAR SANYAL: Congress suffers and the Coalition Party enjoys the fruit thereof; the Congress Party gives bread to the poor while the Coalition Party is indifferent to the needs of the poor!) The Congress is a visionary organization, the Congress deludes the people with false hopes, whereas the Coalition Party practically does all the good work for the country. That is, Sir, the real difference between the two parties.

**Mr. SPEAKER:** Mr. Bari, I am afraid I shall have to fix a special day for the discussion of the merits and demerits of the different parties. (Laughter.) I hope you will now speak on the amendment.

**Maulvi ABDUL BARI:** Yes, Sir. There is another point which was touched upon by Mr. Hendry, namely, that contracts must be honoured and respected. I do not know, Sir, if he is a lawyer, but if he had been a lawyer perhaps he would not have made a statement like that.

(At this stage the member having reached the time-limit resumed his seat.)

**The Hon'ble Mr. H. S. SUHRAWARDY:** Mr. Speaker, Sir, I am rather at a disadvantage because amendments of various kinds have been moved at one and the same time regarding this section, and I shall therefore have to take the time of the House to some extent.

The amendments centre round some main propositions,—the deletion of section 28(*1*) (*a*) on the one hand or the reduction of the proportion to one and a half, or one and three-fourths on the other, the increase of allowable interest on the one hand under section 28(*2*), or

the decrease on the other. But there is one thing which I have found running through the objectives of the main parties of this House, that there is a likelihood of our sense of proportion being somewhat warped in that race for popularity which seems to have overtaken some of the sections.

Honourable members must have noticed that the policy of Government has been not to interfere with the conclusions of the Select Committee except on grounds of policy. It is for this reason that we have not touched the punishment sections where we could have either increased or lowered, and in pursuance of this policy we propose to abide by the figure regarding interest, namely, 8 or 10 per cent. arrived at by the Select Committee.

Sir, Government is in this position that we have to look before and after and, while pining for what is not, we have got to take account of conditions as they are I would direct the attention particularly of those gentlemen sitting opposite who go by the name of Krishak Projas, who have tabled certain amendments and who have spoken upon them in a spirit of unreality which drives one to the conclusion that they have really tabled these not with a view to assisting the House in arriving at any practical suggestions or practical conclusions but with a view to enhancing their own political prestige. I am afraid they will fail in doing so. They have more than ever earned the sobriquet which I bestowed on them of being *at-anna daradis*. I remember, Sir, that when we were discussing on the floor of this House the rate of interest which should be allowed in the Tenancy Bill—when we were discussing it—to arrears of rent and Government proposed 6¼ per cent., *i.e.*, half of the existing rate of interest, members belonging to that party which calls itself the Krishak Proja party, suggested Rs. 5-8. They thought that by thus reducing it by eight annas they would be in a position to go to the country and show that they were greater friends of the *raiyats* and agriculturists; they have thus earned for themselves, the sobriquet of eight-anna *daridis*, which they are anxious to justify. (Rai HARENDRA NATH CHAUDHURY: But that makes out 12 annas?) My friends of the Congress party are interrupting me. After all the vain and valiant attempts in the Select Committee on behalf of money-lenders, they think that this is a wonderful opportunity (Rai HARENDRA NATH CHAUDHURY: Question.) to perform *parayaschitta*. Read the speeches of, say, Mr. Surendra Nath Biswas and Babu Nagendra Nath Sen who all along have been pulling for the money-lenders, and to-day these gentlemen come forward and want to whittle down the proposals of Government just in order to tell the people that they are their greater friends than we are. I am afraid they cannot perform *prayaschita* in this easy way; something more drastic will be necessary.

In fixing the rate of interest we have had to keep in view the fact, that it must have some bearing on the existing conditions. Now, if you desire to reduce the rate of interest to that absurd proportion suggested by Mr. Abu Hossain Sarkar, it would mean that we are really turning the Bill into a farce and that we do not want to consider this Bill as a serious proposition. I can quite understand Mr. Asim-uddin Ahmed who possibly does not know that there are any other sources of investment than those of banks and saving banks which give interest from 1¾ per cent. to 2 per cent., but for those persons whose speeches have attracted your attention, Sir, for example, that of Mr. Abu Hossain Sarkar, and whom I beg to recommend from the floor of the House in case, Sir, you are seeking for a professor or lecturer or a reader in Economics for the University of Calcutta, it hardly sounds common sense when they ask that the rate of interest should be lowered to the absolutely low figure of 4¾ per cent. There are industrial securities which fetch you 7 per cent. at the present moment and who, on earth, will be so stupid as not to invest his money in industrial securities at 7 per cent. rather than invest money with agriculturists of doubtful paying capacity at 4¾ per cent. If this was passed into law—if this amendment were accepted—it would mean that nobody would advance any money to agriculturists, and agriculturists and borrowers generally, who would be under the painful necessity of borrowing money, would not receive any money from any source whatsoever and the entire credit structure would collapse. We have had to keep all these things in view. I would be very glad indeed if the rate of interest were reduced to practically nothing. We come from a race of borrowers, and I should be very happy if in the result all our debts were wiped off and those persons who have profited at our expense were also reduced to the state of penury. We are the have-nots and we envy the haves. But of course there must be a limit to our desire to expropriate others. May I also point out to this House that when we consider the rate of interest we should fix, we should take into account that the neighbouring province of Bihar has fixed 12 per cent. for unsecured loans and 9 per cent. for secured loans, and that Bombay has fixed 12 per cent. for unsecured loans and 9 per cent. for secured loans as the maximum. We have fixed 10 per cent. for unsecured loans and 8 per cent. for secured loans. It may be said that this may result in capital flying out of this province to Bihar or to Bombay. We know that capital is extremely sensitive; but the capital of the countryside—the capital of the vast rural Bengal—is not so sensitive that one per cent. would make so much difference that it will fly away from here to Bihar or to Bombay, and so there is no possibility of any investment from such quarters being made outside this province.

With regard to the remarks made on behalf of the European Group, I do desire to state that we realise that retrospective effect

given to a law is bad in principle; but we justify it in this case because the condition of the people is such that without retrospective application, there is no possible hope of saving them from the grip of the money-lenders into which they have fallen. We are most anxious to rescue them. In fact, if you desire the province to progress, if you desire that the people, as they are, should live, you have got to give retrospective application to this Bill. I entirely join issue with the gentlemen opposite who were making speeches— particularly Mr. Asimuddin Ahmed, if I may refer to him; I do not think he knew what he was talking about. For any body to say that this is not going to assist agriculturists or debtors shows that he has not read even the main provisions of the Bill upon which he is pretending to speak. This is going to help them materially. Section 28(2) lays down that nobody shall be deemed to have been liable to pay interest at rates more than 8 and 10 per cent. and so those persons who have paid interest more than that will be benefited by this provision of the Bill. The rates of interest prevailing in the countryside are somewhere between 37½ per cent. and 20 per cent. I believe, the usual rates are 24 and 37½ per cent. Now, under this new provision, any payment made towards interest at a rate higher than 8 or 10 per cent. will first go to pay off the interest and the balance will go to reduce the principal, and it will help the debtors to reduce their debts to that extent. Thus a large amount of the debts of those who have been paying their interest will be wiped off and so much the better, because we are out to save them and we wish to start with a clean slate. This is not going to harm the large majority of money-lenders. If you turn round and say that the money-lender will be ruined, there I join issue with you. Firstly, the money-lenders for years and years have been taking and extorting undue and unconscionable interest from the debtors and it is time, therefore, that this should stop and they should not be allowed to take any more than they have taken so far and they should pay, if I may so put it, the penalty for their unconscionable transactions. Secondly, for the last few years many of them have given up all hopes of realising their dues owing to the prevailing depression, and this Bill merely legalises an economic position. In fact, the speech that Mr. Asimuddin Ahmed was making was similar to the speeches that he makes in his constituency when he wants to mislead his Krishak Projas, and when he wishes to misrepresent to them that nothing is being done by this Government. But it is hardly a speech worthy of this House.

Now, Mr. Jalaluddin Hashemy's speech really gave the reason for supporting Mr. Abu Hossain Sarkar's amendment. He frankly admitted that the amendment of Mr. Abu Hossain Sarkar was impractical, and what he hoped for was that this would bring about such a state of affairs, that it would make the situation so impossible, that

it would bring about an economic revolution. From that point of view, I agree with him, for if that is our attitude towards the social and economic structure as it exists, I would expect the reduction of interest to the minimum. But we are really out not to bring about cataclysm—we are out to save the rural people as best as we can and establish the credit structure on its legs so that it should continue to function in future. Just consider this. I ask you this—you gentlemen on the opposite who pretend to speak on behalf of the agriculturists—if you destroy the credit structure, and if these borrowers—most of the people in the countryside are borrowers—are unable to borrow money when they are in dire need, I assure you that they will legitimately, violently and virulently curse you for having brought this on their heads. You have got to allow them to live and after setting them up on their legs and giving them new life, you must make provision for their continued existence and you must not destroy them. For these reasons, I say that the rate of interest which has been proposed by the Select Committee and which is being accepted by the Government is the correct rate of interest. If we, as I said, look before and after and try to achieve something which is practicable, we should accept this rate.

Now, Sir, when referring to section 28(*1*) (*a*), which has been wrongly interpreted in many quarters as an enunciation of the rule of *damdupat*, reference was made to long-term loans carrying interest at 5 per cent. which would be affected if spread over 30 years. That was the instance given by Mr. Basu. Let me first tell you that clause 28(*1*) (*a*) is not the rule of *damdupat*, but it is 28(*b*) which is the rule of *damdupat*. Therefore, when Mr. Asimuddin Ahmed was talking of 28(*1*) (*a*) as being nothing but the rule of *damdupat* as provided in the Money-lenders Act of 1933, of course, he did not know what he was talking about. Up till a certain period of time, for instance if the interest is 8 per cent. up to 12½ years, any payment, if made regularly, would go towards the interest and after that period any payment made would encroach upon the principal and wipe it out. Now, Sir, there are no such instances in actual existence as Mr. J. N. Basu suggested. We do not know of any such instance. It is true that there are long-term loans—long terms possibly for 40 or 50 years—but they are in the main commercial transactions and they are of the cash and credit account variety. We have made provision for them and have excluded them. Private loans by moneylenders spreading over 20 or 30 years at 5 per cent. without any alteration or change or any intermediate documents having been taken are unknown in this country. It is no use suggesting that there is a loan coming down from that time unchanged and unvarnished, because there must be some document or other in which the loan has been changed over and a new transaction has been entered into. Our Bill, Sir, will not affect good loans, we do

not want to penalize good money-lenders, I do not think that such money-lenders will be penalized at all. This clause will affect mainly the usurious loans. This will affect those transactions where the rate of interest charged has been too high and where the money-lender has taken advantage of the misfortunes of the borrower.

I think that I have met all the points which have been raised. This section read with section 34 is really the core of the Act, and I hope that, as we desire on this side of the House, it will materially benefit the agriculturists and the poor people of this province and the borrowers who have up till now been at the mercy of the money-lenders. We hope that it will result in establishing the economic position and giving a fresh lease of life to our people, that it will give a proper direction to the money-lender as to how the money should be lent and under what circumstances. I have no fear that this will result in loans not being given. This Money-lenders Bill, the discussions over it and the uncertainty of the form which it will take have resulted in the drying up of the credit for the time being, but once the position is stabilized, and we know where we stand, I think that the provisions of this Bill which we have tried to make as reasonable as possible and as consonant with the existing conditions, will be for the general welfare of the people of this province.

**Mr. SPEAKER:** I think I should take up these amendments in the order in which they should be placed in the Bill if carried, so that it may be possible for the members to follow them. I will put first the amendment No. 831 of Mr. Debi Prosad Khaitan.

The motion of Mr. Debi Prosad Khaitan that clause 28(*1*)(*a*) be omitted was then put and lost.

The motion of Maulvi Abu Hossain Sarkar that in clause 28(*1*)(*a*), line 4, the words "one and half" be substituted for the word "twice" was then put and a division taken with the following result:—

**AYES—22.**

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Azimuddin Ahmed, Mr.
Biswas, Babu Lakshmi Narayan.
Das, Mr. Hemendra.
Emdadul Haque, Kazi.
Giasuddin Ahmed, Mr.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Mandal, Mr. Amrita Lal.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Nausher Ali, Mr. Syed.
Ramizuddin Ahmed, Mr.
Roy, Mr. Dhananjoy.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Wahed Rahman, Maulvi.

**NOES—10.**

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.

Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Basu, Mr. Jatindra Nath.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.
Brown, Mr. A. O.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edgar, Mr. Upendranath.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman (Mymensingh), Mr.
French, Mr. F. H.
Gomes, Mr. S. A.
Griffiths, Mr. O.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kasem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Khaitan, Mr. Debi Prosad.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Millar, Mr. C.
Miles, Mr. C. W.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Mustagawsal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Razaur Rahman Khan, Mr.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Saheb Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sasseen, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 22 and the Noes 103, the motion was lost.

The motion of Maulvi Abu Hossain Sarkar that in clause 28(*1*)(*a*), line 4, the words "one and three-fourths" be substituted for the word "twice", was then put and lost.

The motion of Maulvi Abu Hossain Sarkar that in clause 28(*1*)(*b*), in line 1, the word "half" be inserted after the word "than", was then put and lost.

The motion of Maulvi Abu Hossain Sarkar that in clause 28(*1*)(*b*), in line 1, the word "three-fourths" be inserted after the word "than", was then put and lost.

The motion of Maulvi Abu Hossain Sarkar that in clause 28(*1*)(*c*)(*i*), in line 1, the word "four-half" be substituted for the word "ten," was then put and a division taken, with the following result :—

**AYES—23.**

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Das, Mr. Monmohan.
Emdadul Haque, Kazi.
Giasuddin Ahmed, Mr.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Manirauzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Nausher Ali, Mr. Syed.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Dhananjoy
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Waliur Rahman, Maulvi.

**NOES—101.**

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Raschid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hossain Ahmed, Mr.
Abul Quasem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Amir Ali Mia, Maulv Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Basu, Mr. Jatindra Nath.
Bell-Hart, Miss P. B.
Birkmyre, Sir Henry, Bart.
Brown, Mr. A. C.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Asoklal Chandra.
Das, Rai Sahib Kirit Bhusan.
Das, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman (Mymensingh), Mr.
French, Mr. F. H.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gurung, Mr. Dumber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr. R. J.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Khaitan, Mr. Debi Prosad.
Megregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabeddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Millar, Mr. C.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mohammad Soleiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putin Behary.
Nandy, the Hon'ble Maharaja Srischandra, Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K. C. I. E.
Nazaer Rahman Khan, Mr.
Sadaruddin Ahmed, Mr.
Saheb Alam Mr. Syed.

Gulm, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarkar, the Hon'ble Mr. Nalini Ranjan.
Sesson, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Yusuf Ali Chowdhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 23 and the Noes 101, the motion was lost.

The motion of Mr. Shadedali that in clause 28(*1*)(*i*)(*c*), in line 1, for the words "ten per centum" the words "five per centum more than bank rate on the date of transaction" be substituted, was then put and lost.

The motion of Babu Nagendra Nath Sen that in clause 28(*1*)(*c*)(*i*) for the word "ten" the words "seven and a half" be substituted, was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 28(*1*)(*c*)(*i*), line 1, for the word "ten" the word "nine" be substituted, was then put and lost.

The motion of Mr. Nishitha Nath Kundu that in clause 28(*1*)(*c*)(*i*), line 1, for the word "ten" the words "nine and one-quarter" be substituted, was then put and lost.

The motion of Mr. Debi Prosad Khaitan that in clause 28(*1*)(*c*)(*i*), for the word "ten" the word "twelve" be substituted, was then put and lost.

**Mr. SPEAKER:** That disposes of all the amendments of that group.

**Mr. SPEAKER:** I will put motion No. 926 first, because 2 per cent. more than the bank rate may be much more than three per cent.

The motion of Maulvi Abu Hossain Sarkar that in clause 28(*1*)(*c*)(*ii*), line 1, the word "three" be substituted for the word "eight", was then put and a division taken with the following result:—

**AYES—24.**

Abdul Jabbar Patwari, Mr. Md.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Aslamuddin Ahmed, Mr.
Barma, Mr. Puspajit.
Biswas, Babu Lakshmi Narayan.
Das, Mr. Monmohan.
Emdadul Haque, Kazi.
Giasuddin Ahmed, Mr.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kundu, Mr. Nishitha Nath.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Manirauzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Nasser Ali, Mr. Syed.
Ramiruddin Ahmed, Mr.
Shahedali, Mr.
Shamsuddin Ahmed, Mr.
Wahed Rahman, Maulvi.

NOES—99.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqui, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Khan Bahadur Shah.
Abdus Shaheed, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hossain Ahmed, Mr.
Abul Qassem, Maulvi.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Basu, Mr. Jatindra Nath.
Birkmyre, Sir Henry, Bart.
Brown, Mr. A. O.
Chippendale, Mr. J. W.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Dass, Babu Debendra Nath.
Edbar, Mr. Upendranath.
Faziul Huq, the Hon'ble Mr. A. K.
Faziul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman (Mymensingh), Mr.
French, Mr. F. H.
Gomes, Mr. S. A.
Griffiths, Mr. G.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasham Ali Khan, Khan Bahadur Maulvi.
Helamally Jamadar, Khan Sahib Maulvi.
Hawtings, Mr. R. J.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kasem Ali Mirza, Sahibzada Kawan Jah Syed.
Kennedy, Mr. I. G.
Khaitan, Mr. Debi Prosad.
MacGregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Jagat Chandra.
Manirudden Akhand, Maulvi.
Marindin, Mr. F. J.
Miles, Mr. C. W.
Miller, Mr. C.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Mustagawsi Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nazzar Rahman Khan, Mr.
Nedaruddin Ahmed, Mr.
Sahab Alam, Mr. Syed.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sassoon, Mr. R. M.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sirdar, Babu Lilta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Yusuf Ali Choudhury, Mr.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 24 and the Noes 99, the motion was lost.

The motion of Babu Nagendra Nath Sen that in clause 28(*1*)(*c*)(*ii*), for the word "eight" the word "five" be substituted, was then put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 28(*1*)(*c*)(*ii*), for the word "eight" the word "six" be substituted, was then put and lost.

The motion of Mr. Rasik Lal Biswas that in clause 28(*1*)(*c*)(*ii*), line 1, for the word "eight" the words "seven and half" be substituted, was then put and lost.

The motion of Mr. Debi Prosad Khaitan that in clause 28(*1*)(*c*)(*ii*), for the word "eight" the word "nine" be substituted, was then put and lost.

The motion of Mr. Shahedali that in clause 28(*1*)(*c*)(*ii*), line 1, for the word "eight per centum" the words "two per centum more than bank rate on the date of transaction" be substituted, was then put and lost.

The motion of Mr. Nishitha Nath Kundu that in clause 28(*1*)(*c*)(*ii*), line 1, for the word "eight" the words "six and one quarter" be substituted, was then put and lost.

The motion of Mr. Jatindra Nath Basu that after clause 28(*1*)(*c*)(*ii*), the following be added, namely:—

"(*iii*) loan in respect of which compound interest has been agreed upon at 8 per cent. per annum with half-yearly rests,"

was then put and lost.

The motion of Mr. Debi Prosad Khaitan that after clause 28(*1*)(*c*)(*ii*), the following be added, namely:—

"(*iii*) loans in respect of which compound interest has been agreed upon, eight per centum compound with annual rests,"

was then put and lost.

The motion of Mr. Debi Prosad Khaitan that in clause 28, sub-clause (*1*), in lines 14-17, the words "whether such loan was advanced or such amount was paid or such decree was passed or such interest accrued before or after the commencement of this Act" be omitted, was then put and lost.

The motion of Mr. David Hendry that clause 28(*2*) be omitted, was then put and lost.

**Mr. SPEAKER:** That disposes of all the amendments on clause 28. The net result is that the only amendment which is carried is the new amendment No. 38 moved by the Hon'ble Mr. Suhrawardy—in place of (*b*) as in the draft Bill, the new (*b*) as in the amendment be substituted. Otherwise this clause would be as it is.

*Clause 29.*

**Mr. SPEAKER:** What I am thinking is that clause 29 may be taken up on Monday; so we may now take up clause 34.

**Mr. JOGESH CHANDRA GUPTA:** Sir, we have just got a new amendment on clause 34 and none of us has considered the effects of such an amendment. So, it would not be desirable to take up 34.

**Mr. SPEAKER:** Is there likely to be a very long debate on clause 29?

**The Hon'ble Mr. H. S. SUHRAWARDY:** No, Sir.

**Mr. SPEAKER:** Then let us take up 29. Mr. Suhrawardy, will you move your amendment?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that for clause 29, the following be substituted, namely:—

"Notwithstanding anything contained in any law for the time being in force, no Court shall, in any decree passed in any suit to which this Act applies—

(*a*) if the loan to which the decree relates was advanced before the commencement of this Act, allow any interest on the decretal amount, or

(*b*) if the loan to which the decree relates was advanced after the commencement of this Act, allow any interest other than interest not exceeding six *per centum per annum* on the principal sum adjudged."

Sir, I do not think it is necessary for me to say anything on this new amendment. We have divided clause 29 into two parts. So far as the future rate in the first part is concerned, we are not allowing any interest. As regards the second part, the rate is only 6 per cent. on the principal sum adjudged, because we feel that to give interest on the decretal amount is equivalent to give compound interest.

**Mr. DHIRENDRA NATH DATTA:** Sir, I want to say a few words regarding clause 29. I would like to point out certain difficulties that are likely to arise. It has been said in clause (*b*) that "if the loan to which the decree relates was advanced after the commencement of this Act, no court shall allow any interest other than interest not exceeding six per centum per annum on the principal sum adjudged." It is not stated when the interest will begin to accrue. Sir, you know,

that in section 34 of the Civil Procedure Code it has been clearly stated that one rate of interest may run from the date of the institution of the suit till the date of the decree and another rate of interest may run from the date of the decree till the date of payment. So there are two periods —one from the institution of the suit till the decree and another from the date of the decree till the date of payment. Now, unless it is specifically stated that this 6 per cent. interest will run from a particular date, it will be difficult for the Court to decide from which period to allow interest—from the date of the institution of the suit till the date of the decree or from the date of the decree till the date of payment. Sir, I wish that this point should be made clear in clause (*b*), so that, in future, difficulty may not arise in passing a decree.

**Mr. SPEAKER:** The Court will equitably decide the date.

**Mr. DHIRENDRA NATH DATTA:** From which date?

**Mr. SPEAKER:** It is left to the discretion of the Court entirely.

**Mr. DHIRENDRA NATH DATTA:** But there is no such direction in clause (*b*). Some Courts may take that the interest will run from the date of the institution of the suit till the date of decree and other Courts may take that the interest will run from the date of the decree till the date of payment——

**The Hon'ble Mr. H. S. SUHRAWARDY:** That is the law as it is.

**Mr. DHIRENDRA NATH DATTA:** If you read section 34 of the Civil Procedure Code, you will find that it has been definitely stated that there are three periods, namely, firstly the period prior to the institution of the suit, secondly, the period of the pendency of the suit and then, thirdly, the period from the date of the decree till the date of the payment. Practically two periods have been mentioned and two different rates of interest have been allowed under section 34 of the Civil Procedure Code. So it is better to mention the period—whether the 6 per cent. interest will accrue either from the date of the institution of the suit or from the date of the decree. I place this difficulty before the House. Sir, my suggestion is that 6 per cent. per annum should be adjudged from the date of the decree till the date on the payment and not from the date of the institution of the suit.

**Mr. SPEAKER:** Taking the worst view, your apprehension is that it will be 6¼ per cent. from the date of the institution of the suit.

**Mr. DHIRENDRA NATH DATTA:** Some Court may pass a decree from the date of the institution of the suit. So it should be made

clear. I only wish that the Hon'ble Minister in charge be pleased to look into section 34. Then he will be able to appreciate my point of view.

**The Hon'ble Mr. H. S. SUHRAWARDY:** There is no point. I have understood your point. You want to prevent the Court from giving *ad interim* interest—interest pending the suit period.

**Mr. DEBI PROSAD KHAITAN:** I have got to say a few words:

**Mr. DHIRENDRA NATH DATTA:** I have got another point. The principle has got to be explained. It has been provided in section 34 of the Civil Procedure Code that the principal sum will not only be the original amount that was advanced by the lender, but also the interest antecedent to the institution of the suit, that is the principal sum has been considered to be the amount claimed in the suit. You have got to explain whether the principal sum is the sum claimed in the suit or the amount that was originally advanced by way of loan. My submission is that the principal sum should be interpreted as the original sum that was advanced as a loan.

**Mr. SPEAKER:** If section 34 is applicable to this new section, the position will be this, that either from the date of the institution of the suit some Court will give 6¼ per cent., or if some Court holds that it should not be from the date of the institution of the suit, then it would give from the date of the decree and between the date of the institution of the suit and the date of the decree all that it can do is to give interest at such a rate as it would deem reasonable.

**Mr. DHIRENDRA NATH DATTA:** Why should we leave it to the discretion of the Court?

I submit, that section 34 of the Civil Procedure Code should not be allowed to prevail, because some Courts may hold that as it has not been specifically mentioned from what date the interest will run, they have got jurisdiction to allow interest under section 34 of the Civil Procedure Code. That should not be left to the Court.

**Mr. DEBI PROSAD KHAITAN:** Even at the cost of unnecessarily wasting the time of the House, I consider it to be my duty to lodge my protest against the enactment of this clause which has been moved by the Hon'ble Minister. The clause has been divided into two parts——

**Mr. SPEAKER:** We have just two minutes more. I think it would be better if you would address the House after adjournment.

(The House was then adjourned for fifteen minutes.)

**Mr. DEBI PROSAD KHAITAN:** Sir, as I said before the adjournment, this clause is divided into two parts—the effect of the first part is that in respect of a loan which was advanced before the commencement of this Act, no interest will be allowed on the decretal amount and the second part of the clause is that in respect of loans advanced after the commencement of this Act, the Court may award interest at a rate not exceeding 6 per cent. per annum. Sir, I do not know if the Hon'ble Minister has considered the iniquitable results of this clause which he has moved for acceptance by this House. I could understand if the Legislature had given notice to the money-lenders that if they chose to advance money after the commencement of this Act they must not expect any interest on the decretal amount. It would be for the money-lenders then to consider whether they would choose to make any advances or not. The law would have been before them. They would have carried on their transactions with full knowledge of the law, but what is it that the Government seek to do under this clause which has been moved? The previous law permitted money-lenders to realise rates of interest much higher than they can now realise by virtue of the provisions of the sections that we have already passed into law. There the money-lenders are hit. The money-lenders are further hit by the new principle of *damdupat*, miscalled *damdupat*, as the Hon'ble Minister has himself admitted, that has been laid down in clause 28 which we have passed. Not satisfied with all that, although the contracts were entered into legally and validly binding under the existing law seriously promulgated by the Legislature of this province, the Hon'ble Minister seeks to ask this House to further legislate that although a decree may be passed no interest shall be allowed on the decretal amount. Sir, may I ask the Hon'ble Minister, why should a debtor repay the loan that he has taken or should pay the amount of the decree at all in case it be enacted that no interest will be allowed on the decretal amount? It would make realization absolutely impossible. Simply because a decree has been passed, who is there so honest as to come forward and tell the decree-holder when the decretal amount does not carry any interest, "here is the money, you take it"? We have enacted a provision that the Courts may allow instalments for a period not exceeding 20 years without interest and if a judgment-debtor makes default in payment of the instalments, it is only one instalment that is executable. Even if the circumstances of the judgment-debtor be quite good and even if the Court thinks that he should in all honesty pay interest on the amount of the decree, the Court's hands are to be tied and no interest is to be allowed on the decretal amount. Sir, whoever has experience of execution proceedings either in this province or in any other province of this country he knows that the difficulties of the creditor begin after the decree has been passed. The creditor has to meet the greatest amount of obstacles, to meet the greatest amount of difficulties, in executing the decree to realize the fruits of what he has

obtained from the Court and not the Legislature is to further help the judgment-debtor in that no interest shall be allowed on decrees in the case of loans advanced before the commencement of this Act. I hope, Sir, that even at this stage the Hon'ble Minister will reconsider his position and allow the provisions of the Civil Procedure Code in respect of interest on decree to continue to operate.

**Mr. SASANKA SEKHAR SANYAL:** Will the Hon'ble Minister be pleased to make clear the point raised by Mr. Datta? What is the principal adjudged? Is it the principal of the original loan adjudged or is it the decretal amount *minus* the costs?

**The Hon'ble Mr. H. S. SUHRAWARDY:** So far as the last point is concerned, the principal adjudged is this. At the time of the passing of the decree the Court finds that so much is due by way of principal and so much by way of interest. The amount which the Court finds is due by way of principal as the decretal amount is the principal adjudged.

**Mr. SASANKA SEKHAR SANYAL:** Is he aware that in *ex-parte* cases it is not necessary for the Court to find what is principal and what is interest because upon the lump sum claimed the decree will be passed?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I am afraid that now when a Court cannot grant a decree on the amount of the document but will have to grant a decree under the provisions of section 28, the Court will have no other option but to find what is the principal amount and what is the amount of interest. Sir, I thought that the draft which I had put in was an improvement on the section as it emanated from the Select Committee from the point of view of liability to pay interest. According to the Select Committee even the decretal amount in respect of future loans would not carry interest. Now, Sir, that would not be quite fair because the money-lender would hesitate considerably to advance loans if he knew that as soon as he got a decree that amount would not carry any interest at all. Therefore, this has been put in as an encouragement to the money-lender to advance loans. So far as past loans are concerned, Mr. Khaitan has come in here into this House at a very late stage in the proceedings. Had he come earlier and heard the speeches delivered from all parts of the House denouncing the money-lender (Mr. DEBI PROSAD KHAITAN: Renouncing loans.) Very nearly that—denouncing money-lender and suggesting that so far as the borrower is concerned he is the person who has been all these years at the mercy of the money-lender. It is time that the money-lender stopped or was stopped in his career of taking money from the borrower

by way of interest. This is the view which has been accepted by all sections of the House, and I think it is rather late in the day now to come and plead for the money-lender and say that he should continue to take interest even after the decree is passed. I think, Sir, that the amendment which I have moved is an improvement on what has been proposed by the Select Committee, and I hope the House will accept it.

The amendment of the Hon'ble Mr. H. S. Suhrawardy that for clause 29 the following be substituted, namely:—

"29. Notwithstanding anything contained in any law for the time being in force, no Court shall, in any decree passed in any suit to which this Act applies—

(*a*) if the loan to which the decree relates was advanced before the commencement of this Act, allow any interest on the decretal amount, or

(*b*) if the loan to which the decree relates was advanced after the commencement of this Act, allow any interest other than interest not exceeding six *per centum per annum* on the principal sum adjudged."

was then put and agreed to.

*Clause 39.*

(After the announcement by Mr. Speaker to take up clause 39, there was no transaction of business for a minute or two, when Mr. Abdur Rahman Siddiqi rose to the following point of order.)

**Mr. ABDUR RAHMAN SIDDIQI:** Mr. Speaker, Sir, is the House in session? I seek your ruling.

**Mr. SPEAKER:** Yes, as long as I am in the Chair.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, the section as suggested by me seems to be all right. But it has again been pointed out to me that I might alter the liability that we are imposing on the manager of an undivided Hindu family. The undivided Hindu family will be the money-lender, and if that money-lender knowingly and wilfully commits, authorises or permits such default or contravention, then we would hold the manager liable. It is suggested that the manager may be a person who is innocent of the transaction. He may be a person who has no connection with the family and probably he does not interfere with any transaction of the family. Therefore, it would be an improvement if in the case of an undivided Hindu family a similar clause as in the case of an incorporated body, namely, any

member of such family who knowingly and wilfully is a party to such default or contravention, etc., is substituted. I would like to move my amendment accordingly.

Sir, my amendment will read thus:—

That in clause 39 (*1*), for the words, letters and brackets commencing "Whoever makes default" and ending "such default or contravention" the following be substituted:—

"When any money-lender knowingly and wilfully commits, authorises or permits any default in complying with, or any contravention of, any provision of this Act, if the money-lender is—

(*a*) an individual, such individual, or

(*b*) an undivided Hindu family, any member of such family, who is knowingly and wilfully a party to such default or contravention, or

(*c*) a body corporate, any director or officer of such body who is knowingly and wilfully a party to such default or contravention, or

(*d*) an unincorporated body, any member of such body who is knowingly and wilfully a party to such default or contravention."

**Mr. SPEAKER:** In that case do you want to withdraw your first amendment?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 39 (*1*), for the words, letters and brackets commencing "Whoever makes default" and ending "such default or contravention" the following words, letters and brackets be substituted, namely:—

"39. (*1*) When any money-lender knowingly and wilfully commits, authorises or permits any default in complying with, or any contravention of, any provision of this Act, if the money-lender is—

(*a*) an individual, such individual, or

(*b*) an undivided Hindu family, the manager of such family, or

(*c*) a body corporate, the directors, the manager and all other officers of such body, or

(*d*) an unincorporated body, all members of such body."

was by leave of the House withdrawn.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 39 (*1*), for the words, letters and brackets commencing "Whoever makes default" and ending "such default or contravention" the following be substituted:—

"When any money-lender knowingly and wilfully commits, authorises or permits any default in complying with, or any contravention of, any provision of this Act, if the money-lender is—

(*a*) an individual, such individual, or

(*b*) an undivided Hindu family, any member of such family, who is knowingly and wilfully a party to such default or contravention or,

(*c*) a body corporate, any director or officer of such body who is knowingly and wilfully a party to such default or contravention, or

(*d*) an unincorporated body, any member of such body who is knowingly and wilfully a party to such default or contravention,"

was put and agreed to.

**Mr. SPEAKER:** I think there is also one motion (No. 539) moved by Dr. Sanyal which was not put.

**Dr. NALINAKSHA SANYAL:** I remember it was not put because Government wanted time to reconsider it.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I do not think we wanted any time to consider it, because I do not believe, as I have more than once said, in cheese-paring and trying to play with this small item.

The motion of Dr. Nalinaksha Sanyal that in clause 15 (*3*), line 6, for the word "fifty" the word "ten" be substituted, was then put and lost.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, was my new amendment No. 53 put to the House and carried?

**Mr. SPEAKER:** Yes, that has been carried.

I think I can simplify matters. There is one section which the Hon'ble Mr. Suhrawardy wanted to delete altogether. It is a negative motion and therefore it was not put.

**The Hon'ble Mr. H. S. SUHRAWARDY:** That is clause 37B. After the speech of Dr. Sanyal, Sir, I do not propose the deletion of that clause. It is only consequential.

**Mr. SPEAKER:** To simplify matters, I shall put it.

The motion that clause 37B. stand part of the Bill, was then put and lost.

**Mr. SPEAKER:** There are some amendments relating to the definition clause, *i.e.*, from amendment No. 150 onwards. I think I should formally put them before the House.

**Maulvi ABU HOSSAIN SARKAR:** I think, Sir, there are some amendments still to be moved.

**Mr. SPEAKER:** If honourable members want to move them, they can certainly do so.

**Maulvi ABU HOSSAIN SARKAR:** Will it be possible to move them to-day?

**Mr. SPEAKER:** Yes. Since we have come near the end, let us finish the whole business

**Mr. SURENDRA NATH BISWAS:** The instructions of our party are that I should move amendment No. 162.

**Mr. SPEAKER:** Don't follow those instructions at least once. (Laughter.)

**Mr. SURENDRA NATH BISWAS:** But there was some point in it.

**Mr. SPEAKER:** All right. Then please formally move it.

**Mr. SURENDRA NATH BISWAS:** Sir, I beg to move that after clause 2 (*10*) the following new clause be added, namely:—

"(*a1*) an investment in cash certificate or debenture issued by a Bank, Company, Insurance Company, Life Assurance Company, Provident Insurance Society or Co-operative Society."

The motion was then put and lost.

**Maulvi ABU HOSSAIN SARKAR:** Sir, I beg to move that clause 2 (*10*) (*b*) be omitted.

The motion was then put and lost.

**Maulvi ABU HOSSAIN SARKAR:** Sir, I beg to move that in clause 2 (*10*) (*c*), line 1, the words "or advanced" be omitted.

The motion was then put and lost.

**Mr. SPEAKER:** Amendment No. 232 relates to the definition of agriculturist and is not necessary.

Amendments Nos. 234-241 are also no longer necessary, and they do not arise. Amendment No. 249 also does not arise.

I take it that all other amendments which are on the agenda paper either do not arise, or honourable members do not want to move them.

That disposes of everything except the clause relating to the reopening of transactions.

**Mr. I. D. JALAN:** Mr. Speaker, Sir, may I know whether the Hon'ble Mr. Suhrawardy is moving any other amendment to section 34 except those given notice of to-day?

**The Hon'ble Mr. H. S. SUHRAWARDY:** As regards that section, I shall move amendments Nos. 1215 and new 50.

**Mr. SPEAKER:** Papers were circulated to-day only for amendments Nos. 1215 and new 50. Is it not so?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir.

**Rai HARENDRA NATH CHAUDHURI:** What about amendment No. 1223? Are you not moving it?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I don't move it.

**Babu NAGENDRA NATH SEN:** Sir, what about No. 1233?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I think, Sir, 1233 is covered by the new amendment. But I shall move amendment No. 1249.

**Mr. DEBI PROSAD KHAITAN:** Sir, may I know the numbers of the motions which are yet to be moved by the Hon'ble Minister?

**Mr. SPEAKER:** Nos. 1215, 1249, New 50 and the amendments that have been circulated to-day.

## Adjournment.

The House was then adjourned till 4-45 p.m. on Monday, the 26th June, 1939, at the Assembly House, Calcutta.

## Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Monday, the 26th June, 1939, at 4-45 p.m.

### Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 10 Hon'ble Ministers and 202 members.

### Oath or Affirmation.

The following member took his oath or affirmation of allegiance to the Crown:—

Mr. E. A Paterson.

## STARRED QUESTIONS

### (to which oral answers were given)

### Piecegoods for Government hospitals and dispensaries.

*521. **Khan Bahadur Maulvi FAZLUL QUADIR:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Medical Department be pleased to state the total amount spent annually for the purchase of piecegoods, such as bandage cloths, bedsheets, towels, dusters, etc., for the Government hospitals and dispensaries in Bengal including Calcutta?

(*b*) Do the Government purchase any piecegoods manufactured by the hand-loom weavers of Bengal through the Co-operative and Industrial Organisations in Bengal?

(*c*) If the answer to (*b*) is in the negative, are the Government considering the desirability of purchasing these goods through the Co-operative and Industrial Organisations in Bengal?

**MINISTER in charge of the PUBLIC HEALTH and MEDICAL DEPARTMENT (the Hon'ble Mr. Tamizuddin Khan):** (*a*) A statement is laid on the Library table.

(*b*) The purchase of piecegoods is mostly made through the Indian Stores Department and the Jail Depot. Some purchases are also made through the Central Co-operative Industrial Depôt.

(*c*) I shall consider the matter.

**Anti-malaria flushing theory of Bentley-Willcox.**

*522. **Mr. PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that Government have endorsed the anti-malaria flushing theory of Bentley-Willcox as is expressed in his recent radio speech?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of extending its application to the tidal regions of the province, for prevention of malaria in these regions?

(*c*) Have the Government approved of the action of the Executive Engineer, Damodar Division, in opening out on his own initiative the gates of the Dankuni Drainage Channel for the first time after 40 years?

(*d*) Will the Hon'ble Minister be pleased to state the results achieved, both agriculture and public health, by this action?

(*e*) Are the Government considering the desirability of extending this sort of action to other drainage channels sluiced on the old view of excluding tides for cultivation of rice?

(*f*) Are the Government aware that the Sanitary Board of Bengal has recently passed a resolution disapproving such sluicing on grounds of public health?

(*g*) Are the Government contemplating action in accordance with this resolution of the sanitary authority of this province?

**MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Cossimbazar):** (*a*) and (*f*) Yes.

(*b*) Collectors of districts were instructed in January, 1937, that no land in spill areas of tidal rivers should be reclaimed or leased for reclamation by means of new embankments until it has risen above highest high water level.

(*c*) The gates of the channel have been opened by the Executive Engineer at the request of the people concerned. The question of the approval of Government does not arise.

(*d*) It is too early to estimate the results.

(*e*) and (*g*) The matter is already under examination in accordance with Resolution No. 8 of the conference of experts and others interested in the river problems of Bengal, held in July, 1938. A copy of the resolution is placed on the table.

*Statement referred to in the reply to clauses (e) and (g) of starred question No. 522.*

RESOLUTION NO. 8 OF THE CONFERENCE OF EXPERTS AND OTHERS INTERESTED IN THE RIVER PROBLEMS OF BENGAL, HELD IN JULY, 1938.

The conference was of opinion:—

(*a*) that several tidal channels have deteriorated due to reduction in supply of upland water and deprivation of natural spill-area resulting from premature reclamation of tidal areas and many of the channels in Central Bengal are rapidly dying leaving no alterative means of drainage and the others will soon share the same fate if the present condition is allowed to continue;

(*b*) that drainage through decaying tidal channels is difficult and it would be generally desirable to demolish the embankments, wherever possible, to throw open these areas to free tidal spill;

(*c*) that such a solution will not be practically feasible having regard to the fact that to many people these lands constitute perhaps the only source of income, but it was, however, agreed that these lands, if they could be sufficiently raised by tidal silt, would very much appreciate in value owing to improved drainage and to effect such improvements the provision of some suitable machinery may be investigated.

**Post of Assistant Superintendent, Rangpur Technical School.**

***523. Dr. MAFIZUDDIN AHMED:** Will the Hon'ble Minister in charge of the Industries Department be pleased to state—

(*a*) whether the post of Assistant Superintendent, Rangpur Technical School, has fallen vacant;

(*b*) whether the post will be advertised; and

(*c*) whether any preference will be given to Muslim candidates in this appointment?

**MINISTER in charge of the INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca):** (*a*) No.

(*b*) and (*c*) Do not arise.

## UNSTARRED QUESTIONS

**(to which answers were laid on the table)**

### Delayed publication of nominations for the Board of Municipal Commissioners, Dinajpur.

**257. Maulvi ABDUL JABBAR:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*a*) when was the existing Board of the Municipal commissioners of Dinajpur constituted;

(*b*) when the term of the present Board expired;

(*c*) when did the general election of new Municipal commissioners take place; and

(*d*) what is the reason for the delay in publishing the names of appointed members?

**MINISTER in charge of the LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca):** (*a*) In September, 1934.

(*b*) The four-year term of the present Board expired in September, 1938.

(*c*) On the 29th March, 1938.

(*d*) Since taking over charge of the Local Self-Government Department towards the end of November last, I had to consider carefully the proposals for appointment submitted by the local officers and to make various inquiries which were considered necessary before a decision could be reached.

Order has been passed on the 16th June, 1939, making appointment to the municipality.

### Nominations for the Sundalpur Union Board, Tippera.

**258. Mr. RAMIZUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the names with qualifications of—

(1) Muhammadans,

(2) Scheduled Castes, and

(3) Caste Hindus,

who were candidates for the nomination of membership of Sundalpur Union Board No. 12, police-station Daudkandi, district Tippera, separately?

(*b*) Is the Hon'ble Minister aware—

(*i*) that one Caste Hindu member was elected;

(*ii*) that the claims of the Scheduled Castes Hindu candidates were not considered;

(*iii*) that all the nominated members are defeated candidates;

(*iv*) that one of the nominated members is a dealer in ornaments; and

(*v*) that another nominated member did not get a single vote in any election from any Hindu or Muhammadan voters?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** (*a*) It will not be in the public interest to divulge the names of gentlemen who signified to local officers their willingness for nomination to local bodies. I may however inform the honourable member that the local officers fully considered the claims of all persons who either themselves signified their intention to be nominated or whose names were suggested by others.

(*b*) (*i*) Yes.

(*ii*) and (*iv*) No.

(*iii*) and (*v*) Two of the appointed members were unsuccessful candidates, but the third withdrew his candidature before election.

**Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister be pleased to tell us whether any Scheduled Caste Hindus were appointed?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I want notice.

**Mr. RAMIZUDDIN AHMED:** Is the Hon'ble Minister aware that some Scheduled Caste candidates for nomination were excluded in preference to the men nominated?

**The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** I am not aware of the fact.

**Complaints made against Co-operative Credit Department.**

**259. Mr. DHIRENDRA NARAYAN MUKERJI:** (*a*) Has the attention of the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department been drawn to the fact—

(*i*) that an application making certain complaints was sent to the Joint Secretary, Co-operative Credit Department, on the 8th June, 1938; and

(*ii*) that the said application together with other correspondence and papers was duly received by the Joint Secretary on the 10th June, 1938?

(*b*) If the answer to (*a*) is in the affirmative, what action, if any, has been taken on the application?

(*c*) If no action has yet been taken—

(*i*) what are the reasons; and

(*ii*) whether the Government propose to take steps in the matter?

**MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick):** (*a*) Yes.

(*b*) An enquiry has been started and the complaint is under investigation.

(*c*) Does not arise.

**Mr. SURENDRA NATH BISWAS:** With reference to answer (*b*), will the Hon'ble Minister be pleased to state when was the enquiry started?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** I am not very much definite about the time, but I believe it was started a few weeks ago.

**Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister be pleased to state the reasons why the enquiry was started so late when the application was received on the 8th June, 1938?

**The Hon'ble Mr. MUKUNDA BEHARY MULLICK:** I am very sorry that this application was mixed up with the other papers of the Joint Secretary of the Department and it reached him at Darjeeling, when he was just leaving for Calcutta. As soon as it was traced, an enquiry was started.

## GOVERNMENT BILL.

### The Bengal Money-lenders Bill, 1939.

*Clause 34.*

**Mr. SPEAKER:** We will now take up clause 34 of the Money-lenders Bill.

**Mr. DHIRENDRA NATH DATTA:** The Hon'ble Mr. Suhrawardy has put in many new amendments in respect of clause 34 which have made matters very complicated, and unless we get sufficient time to go through them, it is impossible to follow them. We cannot apply our minds to them in such a short time.

**Mr. Speaker:** Being in the profession of law, you know, Mr. Datta, that sometimes you get only fifteen minutes' time before the Court sits to go through a case.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I beg to move that in clause 34(*1*), lines 2-4, for the words "the Court may, in any suit, to which this Act applies, whether heard *ex-parte* or otherwise, exercise any or all of the following powers, namely, may—" the following words be substituted, namely:—

> "If in any suit to which this Act applies, whether heard *ex-parte* or otherwise, the Court has reason to believe that the exercise of one or more of the powers under this section will give relief to the borrower, it shall exercise all or any of the following powers as it may consider appropriate, namely, shall—."

The idea will be apparent to the honourable members as to why it is redrafted. In the original draft it was provided that even if the Court was satisfied that it could exercise the power of reopening of transactions, and it could give relief to the borrower, it need not have done so. As a matter of fact, it left too much discretion to the Court. Now if you can satisfy the Court that the borrower will get relief, then it becomes the duty of the Court to exercise one or other of the powers. If you have placed your case properly and satisfied the Court that by the exercise of any of those powers relief will be given, then the Court will be bound to exercise that power; if it does not do so, then I take it the matter can be readjusted on appeal.

**Rai HARENDRA NATH CHAUDHURI:** May I oppose this motion?

**The Hon'ble Mr. H. S. SUHRAWARDY:** This merely covers the various reopening transactions.

Sir, I beg to move that to clause 34(*1*) (*d*) the following proviso be added, namely:—

"Provided that in case of a loan to which the provisions of sub-section (*1a*) of section 26 apply the lender or money-lender and each of his assignees shall be liable to repay the sum which the Court consider to be repayable in respect of and in proportion to the sum received by such lender or money-lender and such assignee."

The object of this amendment is that in case a refund is ordered and there have been assignments in the meanwhile——

**Mr. SPEAKER:** You first move all your amendments and give us a picture later.

**The Hon'ble Mr. H. S. SUHRAWARDY:** The picture cannot be got by these small amendments because the picture is in the clause itself.

**Mr. SPEAKER:** After the amendments have been moved, you can give us a picture.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I just want to give a little explanation here so that the honourable members may understand why I am moving this amendment. This is really due to the fact that we have made provisions in one clause regarding assignments. Where there have been assignments if there is an order for a refund, the refund shall be in proportion to the amount received by the money-lender and his assignee. The Bill does not encourage refund. Even though it may be found that the borrower has overpaid under clause 28 a refund will not be ordered except in those cases where moneys have been paid after the 1st of January, 1939. Therefore, such cases, namely, of refunds, and of division between the assignee and the money-lender will be rare. A provision has to be made for such cases, if any, should arise.

The next amendment I want to move is No. 1230A. Sir, I beg to move that in clause 34 for the proviso to sub-clause (*1*) the following be substituted, namely—

"Provided that in the exercise of these powers the Court shall not—

(*i*) reopen any adjustment or agreement, purporting to close previous dealings and to create new obligations, which has been entered into at a date more than twelve years prior to the date of the suit by the parties or any person through whom they claim, or

(*ii*) do anything which affects any decree of a Court, other than a decree in a suit to which this Act applies which was not fully satisfied by the first day of January, 1939, or anything which affects an award made under the Bengal Agricultural Debtors Act, 1935

*Explanation.*—A decree shall not, for the purposes of this section, be deemed to have been fully satisfied so long as there remains undisposed of an application by the decree-holder for symbolical possession of property purchased by him in execution of the decree"

I will explain this later.

The next amendment I want to move is No. 1246A.

Sir, I beg to move that in clause 34 after sub-clause (*1*) the following sub-clause be inserted, namely—

"(1A) If in exercise of the powers conferred by sub-section (*1*) the Court reopens a decree, the Court—

(*a*) shall, after affording the parties an opportunity of being heard, pass a new decree in accordance with the provisions of this Act, and may award to the decree-holder such costs in respect of the reopened decree as it thinks fit,

(*b*) shall not do anything which affects any right acquired *bonâ fide* by any person, other than the decree-holder, in consequence of the execution of the reopened decree,

(*c*) shall order the restoration to the judgment-debtor of such property, if any, of the judgment-debtor acquired by the decree-holder in consequence of the execution of the reopened decree as may be in the possession of the decree-holder on the date on which the decree was reopened,

(*d*) shall order the judgment-debtor to pay to the decree-holder, in such number of instalments as it may think fit, the whole amount of the new decree passed under clause (*a*), and

(*e*) shall direct that, in default of the payment of any instalment ordered under clause (*d*), the decree-holder shall be put into possession of the property referred to in clause (*c*).

Sir, I also beg to move that in clause 34(*1A*)(*e*) as proposed to be inserted by amendment 1246A after the expression "clause (*c*)" the following words be inserted, namely:—

"and that the amount for which the decree-holder purchased such property in execution of the reopened decree shall be set off against so much of the amount of the new decree as remains unsatisfied."

**Rai HARENDRA NATH CHAUDHURI:** Is this another short-notice amendment?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I am moving this amendment with the previous consent obtained from His Excellency the Governor under section 299 (*3*).

There is still another amendment. I stated yesterday that I would move amendments Nos. 1249-1251. In substitution I have given notice of another amendment 1251A which I want to move to-day. It is only consequential. It is consequential if the previous amendment which I have moved is accepted by this House. The amendment runs as follows:—

That in clause 34 (*5*)(*a*) for the words and brackets beginning with "the Court" and ending with "sub-section (*1*)" the following be substituted, namely:—

"the Court which, in a suit to which this Act applies, passed a decree which was not fully satisfied by the first day of January, 1939, may exercise the powers conferred by sub-section (*1*) and sub-section (*1A*)—"

Sir, I may just try to explain the effect of these amendments very shortly. The first amendment as I have already pointed out makes it almost obligatory on the Court to exercise one or other of the powers if the borrower is able to satisfy the Court that by the exercise of any of the powers he will get relief. I think, Sir, that this was actually the meaning of the Select Committee, and in moving the amendment I

am giving effect to that meaning. The meaning of the proviso, as I have already explained, will not come very much into operation. With regard to the main amendment, honourable members will see that the Bill, as it emanated from the Select Committee, specifically stated that in the exercise of any of these powers the Court shall not reopen any decree. It was for this reason that on a previous occasion on the floor of this House I refused to define the meaning of the word "proceedings", because under clause 2 as it stood, viz., no decree could be reopened, there could hardly be any execution proceedings and therefore any proceedings for the recovery of a loan would hardly come under the category of execution proceedings. At this stage if the House agrees with us that partially satisfied or unsatisfied decrees may be reopened and a fresh decree passed on the basis of section 28, then, Sir, proceedings under section 2 (24) would include execution proceedings.

Now, Sir, because a suit means a suit and execution proceedings, it is not open, I think, in this Bill to try to reopen any fully satisfied decree. But so far as partially satisfied decrees are concerned, they may be reopened and a fresh account taken. But those decrees must be of such a nature as have not been fully satisfied by the 1st January, 1939. "This has been done because if instead of the 1st January, 1939, we have until the commencement of this Act" then while this Act is being considered by the Legislatures, there will be such a plethora of execution proceedings and so many sales that the object of this section will be defeated.

Now, Sir, the explanation provides for the case where a sale has taken place in execution of a decree, but possession has not been given to the purchaser. He has to apply to the Court for a sale certificate and thereafter he proceeds to the land for the purpose of taking possession. He may take actual possession or he may take symbolical possession—in most cases it is symbolical possession and if he wishes to take actual possession, he will have to file a suit within 12 years thereafter to recover possession of that property. Now, Sir, until such time as he gets even a symbolical possession of the land, that decree—although there has been a sale, although in fact it may even in the records of the Court be declared to be satisfied—is not in essence satisfied because the purchaser has not taken possession of the property and in order that the decree should be fully completed he should take possession of the property. Therefore as long as such an application for the recovery of possession remains undisposed of, we declare by the explanation that that decree shall be held to have remained unsatisfied. (Rai Harendra Nath Chaudhuri: You are misconstruing the explanation. It is an application for symbolical possession.) Yes, I have already stated that.

Now, Sir, it has happened that even in the case of decrees in regard to which there has been partial satisfaction, property has been purchased in partial satisfaction. Now, these properties have either been purchased by third parties or purchased by the decree-holder in his own name or in the *benami* of some one else, *e.g.*, wife, son or *karmachari*. This clause provides that so far as the rights of third parties have accrued, we do not propose to disturb them; and even if, say, properties worth Rs. 2,000 have been sold for Rs. 500 and the decree-holder has gathered that Rs. 500 and set it off in partial satisfaction of the decree, even in such cases the possession and the rights of the third party will not be affected. if, however, the property remains in the possession of the decree-holder himself either in his own name or in the *benami* of some other person—and for this reason we have used the word "*bonâ fide*" in order to bring in *benami* transactions within the purview of this section—then in that case this property will be liable to be restored to the judgment-debtor A fresh decree will be passed under the provision of section 28, and when passing this decree it will be open to the Court to add to it such costs as it thinks fit, because we think that if the decree-holder has in the meantime incurred costs in execution proceedings, he should be given those costs.

Now, Sir, after such a decree has been passed, that decree only can be executed. The property, as I have stated, will be restored to the judgment-debtor. If the Court passes an order for instalment, then the judgment-debtor will hold this property subject to the payment of the instalments. If he fails in the payment of any of these instalments, then the Court shall order that the property may be given to the decree-holder. The object, Sir, of my subsequent amendment No. 1246A(26) was just to fill in what was overlooked by me to the effect that if in the meantime the judgment-debtor has paid something towards instalment, then he should get credit for that payment, or if the judgment-creditor has received any amount which can be set off against the reopened decrees, then these amounts should accordingly be set off. Sir, this is the purport of the amendment. We hope that by this section a number of persons who are at the present moment suffering the agonies of having to pay an unsatisfied decree in these difficult times will be saved. In my opinion, Sir, if the previous loans carried reasonable interest, this section will not be resorted to. This clause will be of value to the judgment-debtors only in those cases when the previous loans were unconscionable in nature or where the interest was too high—then and then only it will be of value, because a reopened decree is always likely to land the debtor himself into difficulties unless there is a clear case of an unconscionable transaction. (Mr. SURENDRA NATH BISWAS: Where is that safeguard?) There is no question of any safeguard. I have not the least doubt that if a debtor wishes to take advantage of this section, he will examine all the advantages and disadvantages before he calls upon the Court to exercise any of these powers

and to reopen the decree. (Rai HARENDRA NATH CHAUDHURI: In the light of section 28?) Yes in the light of section 28. If previously the amount was reasonable, there is no reason why the debtor should call upon the Court to reopen the decree. But if the previous decree was an unreasonable decree, then in that case the borrower would be in a position to ropen the transaction and rehabilitate himself. (Mr. SURENDRA NATH BISWAS: In your amendment No. 1215 you say: "If.....the Court has reason to believe that the exercise of one or more of the powers under this section will give relief to the borrower, it shall. ....." Then it will give relief only under section 28?) (Rai HARENDRA NATH CHAUDHURI: Surely.) Under section 28 or under any other section, but I take it that section 28 is the chief operative section which fixes the rate of interest. (Mr. SURENDRA NATH BISWAS: Why don't you say that clearly?) Because certain other instances may arise. I shall give one instance. Suppose the borrower comes to the Court and points out that his original loan happens to be Rs. 100 and that it now stands at Rs. 5,000, then he can call upon the Court to reopen the transaction, because the Court will clearly give him relief. I mentioned section 28, because so far as the rate of interest is concerned it is an operative section as regards interest, but there can be other instances in which he can come to Court and ask for relief.

**Rai HARENDRA NATH CHAUDHURI:** Mr. Speaker, Sir, may I now oppose the Hon'ble Mr. Suhrawardy's amendment?

**Mr. SPEAKER:** Yes, you may.

**Rai HARENDRA NATH CHAUDHURI:** Sir, I rise to oppose amendment No. 1215. I think, the Hon'ble Minister has misunderstood the scope of his own amendment. He has said that so far as amendment No. 1215 is concerned, it only curtails too much or excessive discretion that was vested in the Court by the opening words of clause 34 (*1*). That is not the case, Sir. The truth is that the Court stand shorn and divested of all discretion that was vested in it by clause 34(*1*), as reported by the Select Committee. The Court is here reduced to a mere machinery to carry out the terms of this Act. Sir, let me read the amendment. The amendment runs thus: "..... If in any suit to which this Act applies, whether heard *ex parte* or otherwise, the Court has reason to believe that the exercise of one or more of the powers under this section will give relief to the borrower, it *shall* exercise all or any of the following powers as it may consider appropriate, namely, *shall*....."

The only thing, Sir, that the Court has to consider is whether the exercise of one or more powers under this section will give relief to

the borrower. It is a Hobson's choice, Sir, as the section only provides for the various reliefs that the borrower is to get in terms of the Act. The Court, therefore, will necessarily have to find that a case has arisen for the borrower to get relief and the Court will be left with the only choice of giving relief, and must exercise the so-called discretion whether it considers it proper or not to give relief. Such are the terms of amendment No. 1215, Sir. It has been absolutely misinterpreted—I do not know whether consciously or unconsciously—by the Hon'ble Minister in charge. (The Hon'ble Mr. H. S. SUHRAWARDY: It is obligatory.)

**Mr. SPEAKER:** Just a minute. Mr. Suhrawardy, I would request you, after Mr. Chaudhuri finishes, to read amendment No. 1215 once again.

**The Hon'ble Mr. H. S. SUHRAWARDY:** You mean as a whole?

**Mr. SPEAKER:** Yes.

Yes, Mr. Chaudhuri, you can now proceed with your speech.

**Rai HARENDRA NATH CHAUDHURI:** Now, Sir, I have got to move my own amendment if you will kindly permit me

**Mr. SPEAKER:** Yes.

**Rai HARENDRA NATH CHAUDHURI:** Sir, I beg to move that sub-clause (*d*) of clause 34(*1*) be omitted.

I have moved the amendment, Sir, because it comes in the context.

**Mr. SPEAKER:** Will it not be better if all the amendments are formally moved first?

**Rai HARENDRA NATH CHAUDHURI:** Very well, Sir.

**Mr. SPEAKER:** First of all, we shall dispose of all the short-notice amendments as in the typed paper.

Maulvi Abu Hossain Sarkar, will you move amendment No. 1230A (1-6)?

**Maulvi ABU HOSSAIN SARKAR:** Yes, Sir. I beg to move that in the explanation to the proposed proviso of clause 34(*1*) as in amendment No. 1230A of the Hon'ble Mr. H. S. Suhrawardy, for the words beginning with "there remains" and ending with "the decree" the following be substituted, namely:—

"the auction-purchaser does not get actual physical possession of the property purchased by him."

I beg also to move that in the explanation to the proposed proviso of clause 34(*1*) as in amendment No. 1230A of the Hon'ble Mr. H. S. Suhrawardy, for the words beginning with "there remains" and ending with "the decree" the following be substituted, namely:—

"any portion of the decretal amount remains unsatisfied."

**The Hon'ble Mr. H. S. SUHRAWARDY:** That is an alternative amendment.

**Maulvi ABU HOSSAIN SARKAR:** Yes, Sir.

**Mr. SHAHEDALI:** I beg to move that in the explanation to the proposed proviso of clause 34(*1*) as in amendment No. 1230A of the Hon'ble Mr. H. S. Suhrawardy, for the words "decree-holder for symbolical possession" the words "auction-purchaser for possession" be substituted.

**Mr. JATINDRA NATH BASU:** I beg to move that in clause (*i*) of the proposed proviso to clause 34(*1*) as in the amendment No. 1230A of the Hon'ble Mr. H. S. Suhrawardy for the words "twelve years prior to the date of the suit by the parties or any person through whom they claim" the following be substituted, namely:—

"three years prior to the application for reopening any such adjustment or agreement."

I beg also to move that in clause (*ii*) of the proposed proviso to clause 34(*1*) as in amendment No. 1230A of the Hon'ble Mr. H. S. Suhrawardy the words "which was not fully satisfied by the first day of January, 1939", be omitted.

**Mr. ASIMUDDIN AHMED:** I beg to move that clause 34(*1A*)(*b*) as proposed by the Hon'ble Mr. H. S. Suhrawardy by his amendment No. 1246A be omitted.

**Mr. SPEAKER:** I cannot understand this. I think it is a negative motion.

**Dr. NALINAKSHA SANYAL:** It relates to only one portion and not to the whole clause.

**Mr. SPEAKER:** All right.

**Mr. JATINDRA NATH BASU:** I beg to move that in clause 34(*1A*)(*b*) as proposed by the Hon'ble Mr. H. S. Suhrawardy by his amendment No. 1246A, after the words "*bonâ fide*" the following words be added, namely:—

"by execution or otherwise in pursuance of the decree."

**Mr. RAMIZUDDIN AHMED:** I beg to move that in clause 34(*1A*)(*c*), as proposed by the Hon'ble Mr. H. S. Suhrawardy by his amendment No. 1246A, for the word "decree-holder" wherever it occurs the word "auction-purchaser" be substituted.

I beg also to move that in clause 34(*1A*)(*c*), as proposed by the Hon'ble Mr. H. S. Suhrawardy by his amendment No. 1246A, for the word "decree-holder" the word "auction-purchaser" be substituted.

**Mr. JATINDRA NATH BASU:** Sir, I beg to move that in clause 34(*1A*)(*c*), as proposed by the Hon'ble Mr. H. S. Suhrawardy by his amendment No. 1246A, the following words be added at the end, namely:—

"and the decree-holder will be entitled to realise the amount of such new decree by execution."

**Babu UPENDRA NATH BARMAN:** Sir, I beg to move that in the explanation to the proposed proviso of clause 34(*1*) as in amendment No. 1230A of the Hon'ble Mr. H. S. Suhrawardy for the word "decree-holder," the word "auction-purchaser" be substituted.

**Mr. JATINDRA NATH BASU:** Sir, I beg to move that after the proviso (*a*) to sub-clause (*1*) of clause 34, the following further proviso be added, namely:—

"Provided further that the powers conferred by this section shall not be applied unless the Court is satisfied on the application of the debtor that the money-lender has been guilty of fraud or coercion".

**Mr. SPEAKER:** That finishes all the amendments in the typed lists. Is it necessary to go through the printed list also?

**Dr. NALINAKSHA SANYAL:** I suppose so, Sir. Let us now proceed sub-clause by sub-clause.

**Mr. SPEAKER:** I think, that is the only alternative left. What I propose to do is to take up sub-clause by sub-clause.

**Dr. NALINAKSHA SANYAL:** Let us hear the Hon'ble Minister in charge (Nawab Sahib) first.

**Mr. SPEAKER:** What I feel is that it would be better to dispose of all the Government amendments moved to-day as amended by further amendments first.

**Dr. NALINAKSHA SANYAL:** No, Sir, that would not be convenient. Some of them relate to sub-clauses (*c*), (*d*) and (*e*) and there are others which may not be controversial.

**Mr. SPEAKER:** Let us dispose of the Government amendments first.

**Rai HARENDRA NATH CHAUDHURI:** Government amendments relate to all the sub-clauses. Our contention is that discussion may be taken up sub-clause by sub-clause. The amendments that have been moved to-day generally fall into two classes, namely, amendments to 34(*f*) minus the proviso and then the amendments relating to the proviso and subsequently the amendment relating to 34(*f*).

**Mr. SPEAKER:** Let us take 34(*f*). In between, Government propose to delete the lines beginning from the words "the Court may" up to the word "may—," and they also want to substitute the lines beginning from "it in any suit" up to "shall."

Let us dispose of this, and then go to sub-clause (*d*).

**Dr. NALINAKSHA SANYAL:** Before that we have got (*a*) and (*b*).

**Mr. SPEAKER:** There is no amendment of Government on them.

**Dr. NALINAKSHA SANYAL:** There are other amendments.

**Mr. SPEAKER:** I will take them up later on. We will now take up 1215 only. The difficulty is this, that so far as the printed list is concerned, unless we take the amendments seriatim, we do not know where we stand. I would say this, that if anybody wants to move his amendment on the printed list, he may move it. If he does not, the responsibility will be his. I will then pass on to the next sub-clause.

**Dr. NALINAKSHA SANYAL:** Why not follow the printed list as you have done previously?

**Mr. SPEAKER:** After disposing of all the Government amendments, I am quite prepared to do that.

**Mr. SURENDRA NATH BISWAS:** Government amendments relate to all the sub-clauses.

**Mr. SPEAKER:** You have not understood me. My point is this: Let us dispose of all the Government amendments. After Government amendments I will take up each portion separately. I will not put them together. Then after disposing of each portion, if this clause still remains untouched, I will ask the members to move their amendments from the printed list. If I have to arrange them otherwise, it will take much time. I take the first amendment of the Hon'ble Mr. H. S. Suhrawardy (1215).

**The Hon'ble Mr. H. S. SUHRAWARDY:** That has been moved and opposed.

**Dr. NALINAKSHA SANYAL:** We would like to hear the Hon'ble Mr. Suhrawardy's reply.

**Mr. SPEAKER:** He has spoken.

**The Hon'ble Mr. H. S. SUHRAWARDY:** To a large extent I agree with what Mr. Chaudhuri has said, namely, that this section makes it much more obligatory than the previous one. The previous one left it vague and the Court, even if it found that it ought to give relief, need not have given relief. At the present moment, if a person can satisfy the Court that if it reopens the transactions, relief will be given to the borrower then the Court shall reopen this and give relief.

**Rai HARENDRA NATH CHAUDHURI:** You say that you agree with my interpretation. If you do that, to what extent do you agree? I say you leave no discretion to the Court at all by your amendment. Do you agree?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I agree that the only discretion left to the Court is that it must exercise its judicial mind on the question whether by reopening the transaction, it will give relief to the borrower or not.

**Dr. NALINAKSHA SANYAL:** If that is so, Sir, then the drafting will have to be slightly altered, because so far the wording goes it only shows that the Court has got to find out whether the exercse of any one or more of these powers will give relief to the borrower, which invariably the Court will have to find it.

**The Hon'ble Mr. H. S. SUHRAWARDY:** If it does so, it does.

**Dr. NALINAKSHA SANYAL:** As you interpret it now, if that is really the intention, the borrower will have to prove that a certain exercise of power will give relief to him, whereas in this case the wording as it now stands does not give the Court any option whatever, because there is no other alternative that is possible to contemplate.

**Mr. SPEAKER:** What is your point?

**Dr. NALINAKSHA SANYAL:** The wording is this, "if the Court has reason to believe that the exercise of one or more of the powers under this section will give relief to the borrower." This wording leaves the Court no option to find out whether the borrower requires the relief or not. All that the Court has got to find out is whether any exercise of these powers is going to give relief to the borrower and in every case invariably one or other of these powers must be found to be giving relief. There can be no other alternative. As the wording stands, the Court has got only to find out whether one or more of these powers if exercised by the Court is likely to give relief to the borrower. There is no question of the Court finding whether a borrower is in the nature of the case in need of relief. There may be a borrower who might have borrowed money to purchase a right in a zemindari. He has probably purchased a zemindari yielding 8 per cent. revenue, whereas he has paid 6 per cent. as interest, to the money-lender, and yet the Court will have no other option but to give effect to one or other of these clauses, because all that the Court will have to find out is if the exercise of these powers will give relief. In a case where a money-lender lends to a zemindar for the purchase of property which leaves him more than what he pays as interest, even in that case the Court is bound to give relief.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I do not agree with Dr. Sanyal. For instance, if a person borrows at 6 per cent. and there is no unconscionable transaction, then there is no reason why——

**Mr. SURENDRA NATH BISWAS:** After 20 years it may become unconscionable.

**Mr. SPEAKER:** I think the point you are making is that if the Court is satisfied that there is no unconscionable transaction between the borrower and the lender even then the Court necessarily will reopen the transaction.

**The Hon'ble Mr. H. S. SUHRAWARDY:** What I am asking for is that if the Court,—I take it chiefly, at the instance of the borrower himself who would like to have relief, or even *suo moto*, comes to the

conclusion that by the exercise of any of these powers the borrower will get relief, it shall reopen this transaction. But I think it is going too far to think that every single transaction if reopened will give relief to the borrower.

**Rai HARENDRA NATH CHAUDHURI:** Why not?

**The Hon'ble Mr. H. S. SUHRAWARDY:** If you do that, if you are of that opinion, then you are really condemning the money-lender outright, that there is not a money-lender who has lent out money at reasonable rates of interest.

**Dr. NALINAKSHA SANYAL:** All that the court has to find out is whether it is going to give relief. Whether the borrower has been in a position to pay his dues in good time or not is not in his jurisdiction. The exercise of these three powers naturally in every case invariably under the circumstances mentioned in the Bill will result in that. There is no other alternative for the Court than to find that the exercise of these powers will be giving relief to the borrower. Is there any other alternative that you can contemplate?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I will give you one example. Take 6 per cent. for 5 years.

**Rai HARENDRA NATH CHAUDHURI:** Six per cent. for 15 years.

**Mr. J. W. CHIPPENDALE:** Are we having discussion on law or are we having discussions on amendments?

**Mr. SPEAKER:** On law you would have to take advice first.

**Rai HARENDRA NATH CHAUDHURI:** Take the case of 6 per cent. for 20 years.

**Mr. SPEAKER:** I also cannot understand why in every single case there should not be any relief if the Courts exercise the power of reopening any transaction, take an account between the parties and release the borrower of all liability in excess of the limits imposed. In every case where everybody has taken a rate of interest over the present rate the Court automatically will have to reopen and give relief.

**Dr. NALINAKSHA SANYAL:** Either the rate may be more than 8 per cent. or even if the rate be 6 per cent. if the period is more than 16 years the same thing will happen.

**The Hon'ble Mr. H. S. SUHRAWARDY:** It does not happen.

**Mr. I. D. JALAN:** The Hon'ble Minister has said that if the bargain be conscionable then in that case it will not be opened. The whole position is what is conscionable and what is unconscionable. According to the existing state of law, compound interest was not regarded as unconscionable. If it is, say, practised with yearly rests or if it is at the rate of, say, 5 per cent. with yearly rests it is not regarded as unconscionable. Then, Sir, interest at the rate of, say, 9 per cent. for secured loans was never regarded in the mufassal as unconscionable. Rather, I should say that even in Calcutta a first class property with no danger of litigation and with no danger of paying Court fees *ad valorem* it is difficult to find loans at less than 7 or 8 per cent. I know, Sir, that 5 years before the ordinary rate of interest in Calcutta for first class securities was 9 per cent. Now, Sir, if the Hon'ble Minister's arguments are confined to unconscionable bargains, the whole question is what is conscionable and what is unconscionable. Certain things are made unconscionable under the present law. The effect of this section will be that practically in every case in which a decree has been passed or anything has happened the Court is bound to reopen the decree. There is one thing more to which I want to draw the Hon'ble Minister's attention. So far as this section is concerned it does not say that the reopening will be only for giving relief under section 28 or under the provisions of this Act. If you analyse the section, you will find that there is no clause whatsoever to the effect that these powers are to be exercised only in order to give relief under this Act or under the provisions of this Act. Now, you fetter the discretion of the Court absolutely and the Court is bound to reopen the decree. I do not know to what extent this provision will lead. Moreover, there ought to be a certain amount of confidence in the judiciary of the province. I do not know, Sir, what is in the mind of the Government, but certainly so far as the judiciary is concerned, I do not believe that the Government is justified in putting no faith in it and giving no discretion, however unconscionable may be the conduct of the debtor. The whole position is that so far as the discretion of the Court is concerned, it ought to be left unfettered and I may draw the attention of the Hon'ble Minister that in Bihar as a matter of fact discretion has been given to the Court and that should be the position unless on account of any reason whatsoever the Government is of opinion that it cannot rely upon the judiciary of this province.

**Mr. SPEAKER:** I suppose, Mr. Suhrawardy, you do not propose to reply.

**The Hon'ble Mr. H. S. SUHRAWARDY:** No.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 34(*1*), lines 2-4, for the words "the Court may in any suit, to which this Act applies, whether heard *ex-parte* or otherwise, exercise any or all of the following powers, namely, may," the following words be substituted namely:—

> "If in any suit to which this Act applies whether heard *ex-parte* or otherwise the Court has reason to believe that the exercise of one or more of the powers under this section will give relief to the borrower, it shall exercise all or any of the following powers as it may consider appropriate, namely, shall"

was then put and agreed to.

**Mr. SPEAKER:** Now comes amendment No. (new) 50.

**Rai HARENDRA NATH CHAUDHURI:** Now comes my amendment No. 1220. It relates to clause 34(*1*)(*d*), whereas amendment No. 50 (new) relates to the proviso.

**Mr. SPEAKER:** That can be taken afterwards. If the main section goes, then the proviso falls through automatically as a consequence.

**Dr. NALINAKSHA SANYAL:** If that be the position, the whole section should be first discussed.

**Mr. SPEAKER:** As a matter of fact section 34 may be totally rejected.

**Dr. NALINAKSHA SANYAL:** Amendment No. 1220 is for the rejection of one sub-clause (*d*).

**Mr. SPEAKER:** Yes.

**Dr. NALINAKSHA SANYAL:** Even before that I have got another amendment to move. If you follow sub-clause by sub-clause——

**Mr. SPEAKER:** As I said I am disposing of all the Government amendments first.

**Rai HARENDRA NATH CHAUDHURI:** In that case our amendments will be concluded automatically by the decision on Government amendments.

**Mr. SPEAKER:** Why?

**Rai HARENDRA NATH CHAUDHURI:** If, for example, my amendment No. 1220 relating to the deletion of sub-clause 34 (*1*) (*d*) be not first discussed or voted upon and you allow Government motion to go on and if the House carries that motion and adds the proviso (New No. 50) in that case my motion will be concluded by the decision taken by the House, because it relates to the foregoing part of the sub-clause.

**Mr. SPEAKER:** Of course, there is something in it. But it does not necessarily follow in legislation.

**Rai HARENDRA NATH CHAUDHURI:** Our submission is to the contrary, Sir.

**Mr. SPEAKER:** After the amendment is carried, I will ask you to move your amendment. If the House decides to delete the whole clause, the proviso consequently falls.

**Mr. JOGESH CHANDRA GUPTA:** Would it not be better to take each clause so that the House could know what is the point under discussion and also apply its mind. Even the Hon'ble Minister sometimes feels after moving all these amendments that he does not know where he is standing.

**Mr. SPEAKER:** That is why I am putting one after another. Now we shall take new amendment No. 50 of Mr. Suhrawardy. I think, it does not necessarily debar anyone from moving the deletion of the main clause itself.

(At this stage Mr. Speaker was reading new amendment No. 50 when Dr. Nalinaksha Sanyal made the following interruption.)

**Dr. NALINAKSHA SANYAL:** May I submit that the word "further" after the word "provided" is redundant and has been deleted?

**Mr. SPEAKER:** Yes, it was deleted by the Hon'ble Minister.

**Rai HARENDRA NATH CHAUDHURI:** And also the other two words "first proviso".

**Mr. SPEAKER:** I am sorry, I made a mistake. The amendment is as follows:—

That to clause 34 (*1*) (*d*) the following proviso be added, namely:—

"Provided that in the case of a loan to which the provisions of sub-section (*1a*) of section 26 apply the lender or money-lender and each of his assigness shall be liable to repay the sum which the court consider to be repayable in respect of and in proportion to the sum received by such lender or money-lender and such assignee."

The above motion of the Hon'ble Mr. H. S. Suhrawardy was then put and agreed to.

**Mr. SPEAKER:** I think Mr. Suhrawardy's amendments Nos. 1230A and 1246A follow one after the other. I propose to take up 1230A first.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, the amendments appear to be as follows. Firstly, instead of my suggestion that a transaction may be opened for not more than 12 years prior to the date of the suit, Mr. Basu has suggested that it may be opened for 3 years prior to the date of the application for reopening any such adjustment or agreement. Then Mr. Basu has also suggested that the words "which were not fully satisfied by the first day of January, 1939", be deleted, the effect of which will be that no decree can be reopened and the clause will remain as it emerged from the Select Committee.

Then, Sir, in the explanation a suggestion has been made by Mr. Abu Hossain Sarkar and his friends that instead of the Government suggestion, namely, that as soon as an application for symbolical possession is made after the sale has taken place, the decree will be held to have been satisfied, he suggests that until the auction-purchaser gets physical possession of the property purchased by him, the decree will remain unsatisfied. I think this suggestion of Mr. Abu Hossain Sarkar should be opposed, because as I have pointed out, actual physical possession may not be obtained by the auction-purchaser until 12 years of the taking of symbolical possession, and that will have to be done by a separate suit and not as a part of the execution proceedings, in which case this Act will hardly apply, because this Act applies only to a suit or proceeding instituted on or after the first day of January, 1939, or pending on that date. If actual physical possession is to be taken by a separate suit, it can hardly come under the purview of this Act. Therefore, I think, Mr. Abu Hossain Sarkar's amendment is either outside the scope of this Bill or has been moved by him under a misapprehension.

Sir, the other suggestion is that instead of decree-holder, we should use the word "auction-purchaser." We have deliberately used the word "decree-holder" and not "auction-purchaser," because if the auction-purchaser is a third party who has obtained possession by right, I cannot see how we can put up a reasonable practical Bill which will affect the rights of the third party, to whom these rights have accrued. Therefore, by the suggestion which we have made, the rights of the third party have been preserved. If the word "decree-holder" is substituted by the word "auction-purchaser" the right of third parties will be affected, and for that reason, Sir, I have to oppose the suggestion made by Mr. Abu Hossain Sarkar and his friends.

**Mr. SPEAKER:** Mr. Abu Hossain Sarkar, what I want to be satisfied with is whether you are not takig away by this amendment certain rights modifying the right which an auction-purchaser has.

**Maulvi ABU HOSSAIN SARKAR:** Yes, Sir.

**Mr. SPEAKER:** In that case don't you think that you are barred by section 299(3)?

**Rai HARENDRA NATH CHAUDHURI:** In that case, Sir, Mr. Suhrawardy's amendment also is not in order.

**Mr. SPEAKER:** But he has obtained the sanction of the Governor.

**Maulvi ABU HOSSAIN SARKAR:** Mr. Suhrawardy made his suggestion under a misapprehension, Sir.

**Mr. SPEAKER:** That may be so, but you please remove my apprehension, as to whether you are barred by section 299 (3).

**Dr. NALINAKSHA SANYAL:** On a point of order, Sir. On a previous occasion you had been pleased to rule that it is not for the Speaker to investigate and find out whether a certain measure that we are going to pass here is going to be *ultra vires* of the Act. So far as this section is concerned, I do not find anything in that section which gives you a definite direction to find out whether the previous sanction of the Governor-General has been obtained. If subsequently to our passing this measure the sanction is not obtained by Government, it will automatically be inoperative. Under the circumstances, I cannot find any technical difficulty in getting the clause through.

**Mr. SPEAKER:** What I said was that while there is a *prima facie* case of a violation of the law, the right remains with me to find out whether I have to give my decision as to whether this House is competent to deal with it or not. I have got the discretion to decide whether previous sanction is required or not. For the time being I must say that section 299 (*3*) of the Government of India Act is definite. As a matter of fact, we raised an objection even to the Government amendment, and we said that it could not be done without sanction. The language of this section is: "No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights.....shall be introduced or moved.....without the previous sanction of the Governor in his discretion." We pointed that out to the Hon'ble Mr. Suhrawardy. Today we have got the sanction; without it even the Hon'ble Mr. Suhrawardy could not do anything.

**Rai HARENDRA NATH CHAUDHURI:** But, Sir, the Bihar Government did it!

**Mr. SPEAKER:** No, the Bihar case is quite different, namely, that it should be left for the assent of the Governor-General, because it affects certain provisions of the existing statute.

**Rai HARENDRA NATH CHAUDHURI:** On a point of order, Sir. So far as all these clauses are concerned, notwithstanding anything to the contrary, they refer to the Civil Procedure Code and therefore trench upon the Government of India Act.

**Mr. SPEAKER:** No, we have got the power to change it with the assent of the Governor.

**Maulvi ABU HOSSAIN SARKAR:** Sir, all that I press by my amendment is an explanation of the terms "unsatisfied decree." The Government amendment gives a particular meaning to the term, and I would only like to enlarge it a little. It does not take away any right directly obtained by the decree-holder or the auction-purchaser. The Government amendment says that if the decree-holder purchases the property for himself and files an application for symbolical possession only in that case alone the decree will be considered as unsatisfied so long as that application is not disposed of. My amendment, on the other hand, says that not only in that particular case but in all cases of auction-purchase, the decrees will continue to be unsatisfied so long as applications for possession are not disposed of. It does not take away directly any right either from the decree-holder auction-purchaser or from a third party auction-purchaser.

There is another point that I should like to submit, Sir. If you rule in the way indicated by you, then, I submit that this amendment cannot be disposed of to-day. You will be pleased to refer the matter to the Governor as under the rules you are required to do.

**Mr. SPEAKER:** No, I cannot do that. It is not my function.

**Babu UPENDRA NATH BARMAN:** Mr. Speaker, Sir, I think that the proposed amendment does not contravene section 299 of the Government of India Act. What is the origin of ownership of the third party auction-purchaser? Supposing the decree be a fraudulent one? Will the third party auction-purchaser's right be a perfect one? I think not. In this case also, the decree being defective in so far as it is excessive and against the provisions of the present law, the right, title, and interest of the third party auction-purchaser is also defective. So, I think the amendment does not violate section 299 of the Government of India Act.

**Maulvi ABU HOSSAIN SARKAR:** There is the third point, Sir. The Hon'ble Mr. Suhrawardy in his amendment says that the decree will not be considered to be fully satisfied until the decree-holder's application for symbolical possession is disposed of. But, Sir, there are rulings to the effect that symbolical possession taken by the auction-purchaser decree-holder will amount to actual possession. Therefore, I submit, Sir, that my amendment does not say anything more than what in many cases, as the Hon'ble Mr. Suhrawardy knows very well, has been laid down. (The Hon'ble Mr. H. S. SUHRAWARDY: But you used the words "actual physical possession".) There are two kinds of delivery of possession, and the decree-holder can get a property either by actual possession or by symbolical possession, so far as the judgment-debtor is concerned.

**Dr. NALINAKSHA SANYAL:** Sir, may we know the terms of the Governor's sanction? Will you kindly read it?

**Mr. SPEAKER:** It is covered by the accompanying amendment. I think I am regaining my knowledge of the law, so that if I think of joining the Bar again, which I may (Laughter) (Dr. NALINAKSHA SANYAL: Let us hope so!) it will at least help me. Maulvi Abu Hossain Sarkar's amendment would have been all right as against the amendment of the Hon'ble Mr. Suhrawardy if he had said "as between the judgment-debtor and the decree-holder." As between the judgment-debtor and the decree-holder, symbolical possession tantamounts to actual possession but not with reference to outsiders. Your amendment brings in a certain category of outsider who is a *bona fide* purchaser in auction. Does it not?

**Maulvi ABU HOSSAIN SARKAR:** Yes, Sir.

**Mr. SPEAKER:** I hope you will agree that you are really taking away the right of a certain class which is not contemplated by Mr. Suhrawardy. That is the whole point.

**Mr. SASANKA SEKHAR SANYAL:** May I point out, Sir, to the Hon'ble Mr. Suhrawardy that in the Civil Procedure Code or, for the matter of that, in any statute the expression "symbolical passession" does not appear?

**Rai HARENDRA NATH CHAUDHURI:** There is no mention of that in Order XXI, Rule 95. It is a loose expression.

**Mr. SASANKA SEKHAR SANYAL:** In Order XXI, Rules 93, 94, 95 and so on, there is no mention of "symbolical possession".

**Mr. SPEAKER:** Anyway, there are such things as law and legal fiction.

**Mr. SASANKA SEKHAR SANYAL:** It is all fiction, Sir! (Laughter.)

**Mr. SPEAKER:** Maulvi Abu Hossain Sarkar, what is your point?

**Mr. SASANKA SEKHAR SANYAL:** May I rise on a point of order, Sir? I submit that since there has been an assent or sanction by the Governor-General at the instance of Government in the matter of a particular amendment, the mere attempt at changing the scope is, I submit, Sir, covered by that sanction. If not, in all fairness to the House, you, Sir, as the Speaker and the custodian of the rights and privileges of the House, ought to give us time for examination as the Government had.

**Mr. SPEAKER:** It is too late now.

**Mr. SASANKA SEKHAR SANYAL:** Otherwise, Government may bring in a Bill with the approval of the Governor-General and we have no——

**Mr. SPEAKER:** No, that cannot be done.

Maulvi Abu Hossain Sarkar, you have to speak on four amendments. You have got three sets of amendments.

**Maulvi ABU HOSSAIN SARKAR:** Alternative amendments, Sir.

**Mr. SPEAKER:** I think it will be better if you explain what is the purpose.

**Maulvi ABU HOSAIN SARKAR:** Sir, I take up my first amendment to amendment No. 1230A. It runs as follows:—

> "The auction-purchaser does not get actual physical possession of the property purchased by him."

Sir, the main point that I want to make out is to substitute the word "auction-purchaser" for the word "decree-holder." Government wants to restrict the meaning of the words "unsatisfied decree" in the case of a decree-holder purchasing himself. The words "unsatisfied decree" will mean up to the stage when his application for symbolical possession will not be disposed of. I submit, Sir, that this is a restricted meaning of the words "unsatisfied decree." The term is general when it is to be restricted; there should be some principle in it I submit that this restriction to the meaning of the words "unsatisfied decree" is given without any reason or principle behind it. The words "unsatisfied decree" should mean according to the present Bill that so long as any application or possession of the property after it has been sold remains undisposed of the decree remains unsatisfied I like to give this wide meaning to the words "unsatisfied decree." Otherwise, when the judgment-debtor's property will be sold and the decree-holder will purchase the property in the name of a third party, the poor judgment-debtor will not get any remedy whatsoever: the result of the restricted meaning will be that he will bring in a *benamdar*. Now, Sir, in order to avoid that calamity the wider meaning of the words "unsatisfied decree" should be given: otherwise, the whole meaning and the whole object of the clause will be frustrated, and there will always be a third party who will intervene. The wife will be a third party, the son will be a third party, a neighbour will be a third party, and sometimes all kinds of "laws"—brother-in-law, father-in-law, sister-in-law—will be third parties who will intervene. The restricted meaning of the words "unsatisfied decree" will bring in——

**Mr. SPEAKER:** But does not this refer to past transactions? I think there is no case in which it refers to the future transaction.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir, it refers to the past transaction and all decrees unsatisfied up to the 1st January, 1939, will come under its operation.

**Maulvi ABU HOSAIN SARKAR:** Anyway, I am not in a mood to accept that restricted meaning of the words "unsatisfied decree," and

symbolical possession and actual possession as I have already submitted, in the majority of cases have got the same meaning where the auction-purchaser becomes the decree-holder. So I submit that if my meaning is given to the explaination, the poor judgment-debtor will be benefited. Besides, there are other cases where the decree-holder even does not go to the land for possession. We have got enough of cases when the report of delivery of possession is written under a banyan tree or anywhere else: the judgment-debtor even cannot know whether his property has been sold or delivery of possession has been taken. You, Sir, as an experienced lawyer have no doubt come across many such cases. In order to avoid that calamity, I submit, that the proposal I have made should be accepted and the wider meaning should be given to the section. An "unsatisfied decree" should mean that the decree will continue open till the auction-purchaser will get actual physical possession of the property, purchased under it.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I do not think, it is quite fair to charge the Government with restricting the meaning of the expression "unsatisfied decree" by virtue of the explanation on the other hand, we are enlarging the meaning of it. An unsatisfied decree is declared to be satisfied as soon as the property is sold provided, it fetches a sufficient price. We have gone further and enlarged the meaning by adding that until an application is made for obtaining possession after securing the sale certificate until that time—it shall be held to be an "unsatisfied decree." We are not restricting the scope, but we are really enlarging it. I have already pointed out why a difference has got to be made between the decree-holder and the auction-purchaser. This section will become absolutely unworkable once you encroach upon the rights of third parties. We will not be able to adjust the rights and liabilities between *bonâ fide* third parties and the decree-holder if once we let in a third party into the clause.

**Rai HARENDRA NATH CHAUDHURI:** Sir, I like to say a few words on amendment No. 1230A in order to make our position clear. I rise to oppose sub-clause (*2*) of the proviso as it is now proposed by the Hon'ble Mr. Suhrawardy by his amendment No. 1230A. Our position is this. We stand by the recommendation of the Select Committee. In the Select Committee, all the parties agreed that decrees should not be reopened unless they be decrees which were passed on or after the 1st of January, 1939. Now, Government have changed their attitude with regard to this matter and we find an almost revolutionary change in their attitude. The Government amendment now proposes to reopen all decrees which have not been fully satisfied and the meaning of the word "satisfied" is also extended by the explanation that has been added to the proviso. Sir, I submit, that if this motion is carried, then decrees 12 years and more old, even ancient decrees, will be reopened——

**Maulvi MUHAMMAD ISRAIL:** Not more than 12 years old.

**Rai HARENDRA NATH CHAUDHURI:** No, High Court decrees remain alive even more than 12 years. So far as other decrees are concerned, under the Civil Procedure Code, a decree remains alive for 12 years true but, if, Sir, the period of taking possession be taken into consideration, then, Sir, the period is further enlarged. I submit, Sir, that no case has been made out why decrees so old as 12 years or more should be reopened. If we look at sub-clause (*1*) of the proviso, we find that adjustments or agreements more than 12 years old are not to be reopened. If that be the case, if private adjustments and agreements cannot be re-opened, if they are 12 years old, why should decrees passed by the Court be reopened if they are 12 years or more old? The Hon'ble Mr. Suhrawardy has offered no explanation why this much of distinction must be made between private adjustments and the decrees of the Court. In the case of private adjustments, the money-lender and the borrower stand on a different footing and the money-lender may have opportunity to coerce the borrower to come to an agreement. In the case of Court decrees, that is not possible. There a decree has to be obtained not only in the presence of the Court but also after full trial and adjudication by the Court. In the case of a past decree the Court must have heard both the parties and after weighing the evidence and the arguments advanced and after applying the law, presumably it came to a considered decision. I, therefore, cannot understand why a distinction should not be made in favour of old decrees. If old adjustments are not going to be reopened, I submit, Sir, that old decrees passed on older transactions should not be reopened in any case whatsoever. Not only that. So far as clause 34 (*1*) is concerned, it is based on the British Act and in the British Act, we find no provision for reopening such old and ancient decrees. I, therefore, submit again that the Hon'ble Mr. Suhrawardy will be well advised to stand by the Select Committee recommendation and not to press his amendment. Mr. Suhrawardy expressed the deepest regard for the recommendations of the Select Committee when clause 28 came to be considered. Now, Sir, the recommendations of the Select Committee are worth nothing to him when he has somehow or other come to change his mind. And Mr. Suhrawardy appears to have no regard for the opinions of the other sections of the House represented on the Select Committee. He is now being guided by his own opinion as formed by his advisors and legislation in this Chamber is going to be reduced to a short-notice farce, if I may say so; because there is no certainty or definiteness as regards the Government's attitude on any proposal embodied in this Bill. Government put forward certain proposals in the Bill, then the Bill went to the Select Committee in which the Government members had an overwhelming

majority, there they came to a conclusion, that again was changed, certain amendments were put forward by the Hon'ble Minister himself—amendments that proposed not to reopen past decrees—but when they came to be moved were not moved and now new amendments are again put forward with short-notice. Legislation with short-notice amendments, Sir, is thus going to be the order of the day. Nobody knows at all what is the attitude of the Government on a particular clause before the clause actually comes to be discussed in the House and the whole country has got to remain in darkness as regards Government's policy on a Bill or a Bill clause of such importance. That is an unhappy and unfortunate position indeed absolutely indefensible, however much the Hon'ble Minister may try to defend it.

**Mr. I. D. JALAN:** This reminds me of the ancient Catalon conspiracy of Rome where the Catalons conspired that if they could seize the Government, the first thing they would do would be to kill all the Senators and their next thing would be to wipe off their debts and the debts of their friends. Fortunately that conspiracy was detected and it could not take effect. Here Government are making amendments after amendments which are upsetting the present arrangements considerably. As a matter of fact, when Government proposed the Bill it had no provision for giving retrospective effect and the provisions were quite different. When it went to the Select Committee, very drastic changes were made——

**Mr. SPEAKER:** You are not speaking on the amendments.

**Mr. I. D. JALAN:** I am speaking on this for this reason, that so far as this Bill is concerned as it has emerged from the Select Committee,——

**Mr. SANTOSH KUMAR BASU:** Is Mr. Abdul Bari in order in turning his back to the Chair?

**Mr. ABDUR RAHMAN SIDDIQI:** On a point of order, Sir. Is an honourable member of this House debarred from standing or reclining or sitting in this House?

**Mr. SANTOSH KUMAR BASU:** Only if he does that without his back to the Chair, not otherwise.

**Mr. SPEAKER:** Sometimes you make disorder by rising on a point of order.

**Mr. I. D. JALAN:** On a previous occasion when we were considering the definition clause which was moved by the Government, we

found that the definition of "suit" included all proceedings and even decrees which may be so ancient as 30 years and if a portion of the claim remained unsatisfied in that case that decree will be reopened under the provisions of this Act. I ask Government whether it is not unfair and very unfair to those persons who have dealt according to the law which was then existing. So far as the principle is concerned, it has been accepted that relief should be given to the debtor, but that does not mean that we should give a go-by to all sense of justice and fairness and to all transactions which were placed on the basis of a law which was existing and which perfectly justified those transactions. If the Government go on in this manner, there is no certainty for any transaction whatsoever, because we do not know whether the provisions which are enacted now are not going to be altered by the Government after a year or so. This will put an end to the whole credit structure of the province. It may be that the Government in its exuberance to satisfy its supporters is unmindful of the harm that is being done to the province when the very existence of the credit structure is being shattered. It must be remembered that it will have its bad repercussion and the situation will be very bad hereafter. I suggest that so far as the Government is concerned, this Bill should not affect the decrees which have been passed and which have received the sanction of the Court. At least there should be some sanctity in the judicial pronouncement of the Court. As a matter of fact, so far as the Bihar Act is concerned, it does not affect the decrees passed by the Court and for very good reason, and for the reason that there must be some finality in these transactions. Therefore, the decrees which have been passed by the Court should not be disturbed by subsequent legislation. The whole faith of the people in the justice of the measures of Government will be shaken and nobody knows as to whether he is safe in dealing under the existing law. Whenever a law is to be given retrospective effect, Government has got to be very careful in giving it, but we find that so far as this Act is concerned, even the Government is being coerced into a situation which the Government, I believe, does not itself like.

**Mr. SHAHED ALI:** Regarding my motion I want to speak something. The Hon'ble Mr. Suhrawardy has proposed a new proviso in place of the original proviso and added an explanation to it also. His explanation runs thus: "A decree shall not for the purposes of this section be deemed to have been fully satisfied so long as there remains undisposed of an application by the decree-holder for symbolical possession of property purchased by him in execution of the decree". My amendment is this: That for the words "decree-holder for symbolical possession" the words "auction-purchaser for possession" be substituted.

Mr. Suhrawardy is willing to do justice to the debtors and the relation is between the creditors and the debtors. Whenever any decree-holder wants to execute a decree against a debtor, there cannot be any question of symbolical possession and that symbolical possession will be construed as actual possession. Where the judgment-debtor is in possession of a property in *ejmali* along with a third party in that case alone the symbolical possession can be given. If the judgment-debtor is in sole possession of the property, there cannot be any prayer for symbolical possession and the court cannot give any symbolical possession. On this point there is a number of rulings discussed elaborately in Mulla's Civil Procedure Code in Order 21 and rules 35-36 and 95-96.

"Rules 35 and 36 refer to cases where a suit is brought for possession of immovable property, and a decree is passed in the suit for the delivery of the property to the decree-holder. Rules 95 and 96 refer to cases where immovable property belonging to a judgment-debtor is sold in execution of a decree passed against him, and the purchaser is resisted in obtaining possession through the court. In both cases the possession may be either actual or symbolical. If the immovable property of which possession is directed by the decree to be delivered to the decree-holder is in the possession of the judgment-debtor, actual possession must be delivered to the decree-holder under rule 35 (*1*). Where it is in the possession of a tenant or other person entitled to occupy the same, only symbolical possession can be delivered, and that is to be under rule 36. Likewise, where immovable property is sold in execution of a decree, and possession is sought by the auction-purchaser, actual possession must be delivered to him under rule 95, if the property is in the possession of the judgment-debtor. But if the property is in the possession of a tenant or other person entitled to occupy the same, only symbolical possession can be delivered, and that is to be done under rule 96." "There are thus three cases in which the law allows symbolical possession to be given, namely, the cases contemplated by sub-rule (*2*) of the present rule, by rule 36 and by rule 96 of this order. Symbolical possession given in such cases operates as actual possession".

So, Sir, in this explanation by the insertion of the words "symbolical possession" the benefit that was to be given to the debtors has been taken away altogether, because there cannot be any symbolical possession where the parties concerned are the judgment-debtor and the creditor.

**Mr. SHAMSUDDIN AHMED:** Mr. Speaker, Sir, Mr. Shahedali is raising an important law point. May I draw your attention to it?

**Mr. SPEAKER:** It is not for me to hear, it is for the Hon'ble Minister.

**Mr. SHAMSUDDIN AHMED:** I know, Sir, but a point of order may arise.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I am paying great attention to what Mr. Shahedali says.

**Mr. SHAHEDALI:** The Hon'ble Minister says that he is giving his attention to what I say.

**Mr. SPEAKER:** He has two ears one for you and another for his Secretary.

**Mr. SHAHEDALI:** He is giving one ear of his to the wall and another ear to what I say.

So far as symbolical possession is concerned, my submission to the Hon'ble Minister is this: if there are no other parties except the creditor and the debtor and if anybody prays for the possession of that property whether it be actual possession or symbolical possession, it will never be symbolical possession; it will be actual possession. This point is decided in the famous Midnapore case. Even if there be crops at the time of the delivery of the possession, it cannot constitute a symbolical possession, because the parties are in relation of debtors and creditors.

By putting the words "symbolical possession" in the explanation the Hon'ble Minister has curtailed the power given in the Bill and he has given more latitude to the creditors. Under the circumstances, I press my motion for the acceptance of the House and also for the abolition of the word "symbolical" mentioned in the explanation of the proviso.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I must say that the point raised by Mr. Shahedali is worthy of consideration. But I am only afraid that I may be letting in, as I have said, the third party whose rights might have accrued. I fear, Sir, that in this amendment we have tried our level best to preserve the rights of the third party and see that they are not tampered with. Although strictly speaking between the decree-holder and the judgment-debtor the question of symbolical possession does not arise, still the case will become much worse if I were to allow the rights of the auction-purchaser to be interfered with. As between the decree-holder and the judgment-debtor it would be easy for us to adjust their rights but as to how the rights of the auction-purchaser can be adjusted, I have been unable to discover. We have examined the possibility of paying the auction-purchaser sufficient compensation, but if the auction-purchaser refuses to take that compensation and insists upon the property he has purchased, the result will be that no decree will ever be re-opened and I fear very much that the result will be just the reverse of what Mr. Shahedali and his friends intend to achieve by their amendments

and the courts will not give relief if the rights of the third parties intervene and cannot be adjusted. I would ask my friends to let the draft remain as it is at the present moment and if there are any difficulties met with later on we shall try and rectify them.

**Mr. SHAHEDALI:** Will the Hon'ble Minister be pleased to tell us what his interpretation of symbolical possession is?

(No answer.)

**Mr. SPEAKER:** I think I might divide the amendments into rather three categories. The first one deals with the amendment of Mr. J. N. Basu [No. 1230A(19)].

**Mr. JATINDRA NATH BASU:** Will you permit me to say one or two words on my amendments?

**Mr. SPEAKER:** Yes.

**Mr. JATINDRA NATH BASU:** May I speak on all amendments?

**Mr. SPEAKER:** Only 1230A(19) and 1230A(20).

**Mr. JATINDRA NATH BASU:** Sir, the amendment proposed by the Hon'ble Mr. Suhrawardy enables a debtor to have back accounts opened up to a period of 12 years prior to the date of the suit. My amendment confines it to 3 years prior to the application for the reopening of any such adjustment or agreement. The reason is this. It has been pointed out that a suit on the claim may have instituted 20 years ago and the application for reopening accounts in that suit may be made 20 years after the institution of the suit and after the suit has been decreed. That may cause very great hardship. Mr. Suhrawardy has pointed out that this Bill is intended to give relief to rural indebtedness. From his experience and the experience of other members in this House they can easily find that it is not customary or usual for rural money-lenders to preserve their accounts for all that length of time, as the provisions of this Bill are intended to have retrospective effect. In days to come, people may keep accounts for 50 or 60 years. Many of them have no room in their small houses to keep accounts for that length of time. My experience of the manner in which accounts are kept on the countryside is that they have some pieces of paper stitched together in one corner. That is all the accounts they have. And if you require that they should show the accounts for a period of 12 years, it will be practically impossible to have the accounts shown. I think, Sir, that some reasonable period should be fixed for the reopening of past accounts, and the period

should count back from the date when the reopening is asked for, and not from the date of the suit because the suit may have been instituted many, many years ago and the decree may have been passed many years ago. My first amendment suggests "3 years prior to the application for reopening any such adjustment or agreement". My second amendment [No. 1230A(20)] relates to the Hon'ble Mr. Suhrawardy's proposed proviso (*ii*) to clause 34(*1*) in his amendment No. 1230A which runs as follows:—

"Provided that in the exercise of these powers the court shall not—

* * * * * * *

(*ii*) do anything which affects any decree of a court other than a decree in a suit to which this Act applies which was not fully satisfied by the first day of January, 1939....."

I want to omit the words "which was not fully satisfied by the first day of January, 1939" so that Mr. Suhrawardy's amendment will have the effect that no court will do anything which affects the decree in a suit to which this Act applies or anything which affects an award made under the Bengal Agricultural Debtors Act.

I am not speaking on the other amendments now, as I understand you are not taking up the other amendments now.

The motion of Mr. Jatindra Nath Basu that in clause (*i*) of the proposed proviso to clause 34(*1*) as in the amendment No. 1230A of the Hon'ble Mr. H. S. Suhrawardy for the words "twelve years prior to the date of the suit by the parties or any person through whom they claim" the following be substituted, namely, "three years prior to the application for reopening any such adjustment or agreement", was then put and lost.

The motion of Mr. Jatindra Nath Basu that in clause (*ii*) of the proposed proviso to clause 34(*1*) as in amendment No. 1230A of the Hon'ble Mr. H. S. Suhrawardy the words "which was not fully satisfied by the first day of January, 1939" be omitted, was then put and lost.

The motion of Maulvi Abu Hossain Sarkar that in the explanation to the proposed proviso of clause 34(*1*) as in amendment No. 1230A of the Hon'ble Mr. H. S. Suhrawardy for the words beginning with "there remains" and ending with "the decree" the following be substituted, namely, "the auction-purchaser does not get actual physical possession of the property purchased by him", was then put and a division called.

**Mr. SPEAKER:** I think it would be better to have the division recorded after the evening prayer time.

The House was then adjourned for fifteen minutes.

(*After adjournment.*)

**The Hon'ble Mr. H. S. SUHRAWARDY:** Before you put the amendment to the vote, may I request you to permit me to delete the word "symbolical" from the amendment which I have put in?

**Mr. ABDUR RAHMAN SIDDIQI:** I again rise on a point of order, Sir. After a division has been granted by the Chair, is the honourable member right in addressing the House, the House being asked to do this, that and the other thing. I again seek your ruling because if you allow such liberties, an average back-bencher and ordinary member like myself will not know where he stands. It is, Sir, in a way a matter of privilege, and I would request the Chair to tell us whether such liberties should be permitted.

**Mr. SPEAKER:** Ordinarily, I would not allow that, but in a Bill of this nature which I do feel is one of the most complicated provisions—and I can assure you that section 34 is the worst complication that I have ever come across in my life (laughter)—excuse my saying so—for the time being I would rather relax the rules than stand in the way, if there is no objection on any side. (Cries of "No objection" from all sections of the House.) I think this is an improvement.

**Dr. NALINAKSHA SANYAL:** Mr. Siddiqi evidently does not care for any improvement. (Laughter.)

**Mr. SPEAKER:** Mr. Suhrawardy, will you please formally move your amendment?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir. I beg to move that in the amendment which I have tabled, namely, No. 1230A. in the explanation to the proviso to clause 34 (*1*) the word "symbolical" be deleted.

The motion was then put and agreed to.

**Mr. SPEAKER:** I will now put motion No. 1230A (1-6) to vote, and so on.

The motion of Maulvi Abu Hossain Sarkar that in the explanation to the proposed proviso of clause 34(*1*) as in amendment No. 1230A of the Hon'ble Mr. H. S. Suhrawardy, for the words beginning with "there remains" and ending with "the decree" the following be substituted, namely, "the auction-purchaser does not get actual physical possession of the property purchased by him", was then put and lost.

The motion of Maulvi Abu Hossain Sarkar that in the explanation to the proposed proviso of clause 34(*1*) as in amendment No. 1230A of the Hon'ble Mr. H. S. Suhrawardy, for the words beginning with "there remains" and ending with "the decree", the following be substituted, namely:—"any portion of the decretal amount remains unsatisfied" was then put and lost.

The motion of Mr. Shahedali that in the explanation to the proposed proviso of clause 34 (*1*) as in amendment No. 1230A of the Hon'ble Mr. H. S. Suhrawardy, for the words "decree-holder for symbolical possession" the words "auction-purchaser for possession" be substituted, was then put and lost.

**Mr. SPEAKER:** That disposes of all the amendments to this clause. The next series of amendments relates to No. 1246A. I am anxious to finish these amendments as quickly as possible.

**Dr. NALINAKSHA SANYAL:** Sir, before we pass on to the next proviso, will you not allow us to move our amendments?

**Mr. SPEAKER:** After this is over, I shall take all of them together. I think I ought to put them one after another.

The motion of Mr. Asimuddin Ahmed that clause 34 (*1A*)(*b*) as proposed by the Hon'ble Mr. H. S. Suhrawardy by his amendment No. 1246A be omitted, was then put and lost.

The motion of Mr. Jatindra Nath Basu that in clause 34(*1A*)(*b*) as proposed by the Hon'ble Mr H. S. Suhrawardy by his amendment No. 1246A, after the words "*bonâ fide*" the following words be added, namely, "by execution or otherwise in pursuance of the decree", was then put and lost.

The motion of Mr. Ramizuddin Ahmed that in clause 34(*1A*)(*c*) as proposed by the Hon'ble Mr. H. S. Suhrawardy by his amendment No. 1246A, for the words "decree-holder", wherever it occurs, the words "auction-purchaser" be substituted, was then put.

**Dr. NALINAKSHA SANYAL:** This amendment will have to be discussed, Sir.

**Mr. SPEAKER:** But nobody was anxious to speak on it.

**Dr. NALINAKSHA SANYAL:** But we are anxious.

**Mr. SPEAKER:** I am afraid not on this amendment. I called out all these amendments and said that if anybody was anxious to speak, he could do so; but nobody came forward.

**Dr. NALINAKSHA SANYAL:** That was with regard to the notion moved. But so far as the main amendment is concerned——

**Mr. SPEAKER:** No, no, I have not yet put the main motion. I am only putting the amendments.

**Dr. NALINAKSHA SANYAL:** But what about 1246A(26)?

**Mr. SPEAKER:** That is just now not before the House. That is a separate thing.

The motion of Mr. Ramizuddin Ahmed that in clause 34(*1A*)(*c*) as proposed by the Hon'ble Mr. H. S. Suhrawardy by his amendment No. 1246A, for the word "decree-holder", wherever it occurs, the word "auction-purchaser" be substituted, which had already been put to vote, was declared to be lost.

The motion of Mr. Ramizuddin Ahmed that in clause 34(*1A*)(*e*) as proposed by the Hon'ble Mr. H. S. Suhrawardy by his amendment No. 1246A for the word "decree-holder" the word "auction-purchaser" be substituted, was then put and lost.

The motion of Mr. Jatindra Nath Basu that in clause 34(*1A*)(*e*) as proposed by the Hon'ble Mr. H. S. Suhrawardy by his amendment No. 1246A, the following words be added at the end, namely, "and the decree-holder will be entitled to realize the amount of such new decree by execution", was then put and lost.

**Mr. SPEAKER:** That disposes of Mr. Burman's amendment as also of all the amendments excepting amendment No. 1246A of Mr. Jatindra Nath Basu, which was originally moved as a proviso.

**Mr. JATINDRA NATH BASU:** Mr. Speaker, Sir, I want to say a few words in support of my motion. The power of re-opening accounts has been given to the borrower. But if there is no restriction, then there will be many attempts at re-opening of accounts without any just cause. I submit Sir, that the borrower must put forward some reasonable grounds on the basis of which accounts should be re-opened. The grounds should be either that there was fraud or coercion or that the transaction was unconscionable. If the transaction was very hard and the terms can be shown to be very severe, then the court should be entitled to re-open the accounts. I want the grounds for re-opening accounts to be "fraud or coercion or unconscionable transaction".

I do not think, Sir, that it is necessary for me to say anything in support of this, because it is quite patent that if past transactions between parties are allowed to be re-opened without any just cause, then there will be no possibility whatever of any transaction being

final and concluded, and nobody will be able to depend or rely upon past transactions. Therefore, Sir, I submit the grounds must be made clear and must be definite. That is to say, it must be proved that a fraudulent practice or coercion was used or that the money-lender had obtained a document in which he forced the borrower to enter into a transaction on unreasonably hard terms.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I oppose this amendment.

**Mr. SURENDRA NATH BISWAS:** Sir, you promised to let us speak.

**Mr. SPEAKER:** I shall give you an opportunity to speak on the main motion.

**The Hon'ble Mr. H. S. SUHRAWARDY:** It is very difficult to prove fraud, coercion or an unconscionable transaction. Let me give an instance. A money-lender lends out his money at 12 per cent. interest with six-monthly rests, whereas his usual transaction is 5, 6 or 7 per cent. Will that be considered to be fraud or not? We know of instances when a borrower has borrowed money from someone else at a lower rate in order to pay off a loan contracted at an exorbitant rate and then the original money-lender has come round to the borrower and told him: "I am prepared to lend money to you at a still lower rate if you will take it from me." In my opinion, Sir, what constitutes fraud as between a money-lender and a borrower will be impossible for any court to determine.

Now, I come to coercion. So far as coercion is concerned, it can be said that the borrower is being coerced by necessity to borrow money. No borrower willingly goes to a money-lender and asks him for money and runs into debt. The rate which the money-lender charges is again—if you wish to take a broad view of things—a question of coercion. No borrower would willingly pay 7 per cent. if he can pay 4 per cent., and therefore, he has got to accept the terms of the money-lender.

With regard to unconscionable transactions, what is conscionable and what is unconscionable depends on circumstances. Forty-eight per cent. has been held unconscionable by one law and later it has been held that 25 per cent. was unconscionable. We declare that in consideration of the general depression and the poverty of the people and also in consideration of the fact that the assets of almost every single individual have decreased in value owing to a general fall in prices, what would not have been unconscionable before will be considered unconscionable under the present circumstances. The figures which we

have given are 8 per cent. and 10 per cent.—This is our criterion. We consider such maxima to be reasonable. Anything beyond that we consider to be an unconscionable rate of interest. Therefore, Sir, that being our case, there is no reason why we should have any such vague qualifications such as unconscionable transaction.

The motion of Mr. Jatindra Nath Basu that after proviso (*ii*) to sub-clause (*1*) of clause 34, the following further proviso be added, namely:—

> "Provided further that the powers conferred by this section shall not be applied unless the court is satisfied on the application of the debtor that the money-lender has been guilty of fraud or coercion",

was then put and lost.

**Mr. SPEAKER:** Now, we come to the two amendments left, namely, 1230A and 1246A of Mr. Suhrawardy. There has been discussion on 1230A, but there has not been any discussion on 1246A. I will now put 1230A.

**Dr. NALINAKSHA SANYAL:** Sir, with regard to 1230A, I would just like to point out one thing. I will only take two minutes. The effect of what Mr. Rai Chaudhuri on our side pointed out is that while we are not pressing our opposition to sub-clause (*1*) of the amendment, that is in the new draft, so far as the second part is concerned, as contained under sub-clause (*2*) with an explanation thereto, we feel that the original wording given by the Select Committee was better and we feel that if Government could yet see their way to retain the original, while having the first part altered as per the new draft, probably that would meet both the sides. The original sub-clause reads as follows:—

"……That the court shall not do anything which affects any decree of a court other than a decree passed on or after the 1st January, 1939, and before the commencement of this Act, or which affects an award made under the Bengal Agricultural Debtors Act, 1935".

The new sub-clause (*2*) states:—

"That the court shall not do anything which affects any decree of a court, other than a decree in a suit to which this Act applies which was not fully satisfied by the first day of January, 1939,……"

Sir, it makes a good deal of difference and as it stands there may be decrees of court as old as 24 years which may be liable to be reopened. In the mufassil courts a decree can be kept alive for 12 years.

**Mr. SPEAKER:** This clause 2 is applicable to a decree in a suit to which this Act applies. Then there is a further governing clause "which was not fully satisfied". Therefore, it is, I believe, applicable to definition of section 24 and to no other section.

**Dr. NALINAKSHA SANYAL:** This Act applies to all except commercial loans.

**Mr. SPEAKER:** But there is "suit to which this Act applies".

**Rai HARENDRA NATH CHAUDHURI:** The difference between the two lies in that that so far as the Select Committee recommendation is concerned——

**Mr. SPEAKER:** I know that, but I was drawing your attention to the words "suit to which this Act applies". That will be a great protection.

**Dr. NALINAKSHA SANYAL:** Then, Sir, it has been further stated by way of explanation—"a decree shall not, for the purposes of this section, be deemed to have been fully satisfied so long as there remains undisposed of an application by the decree-holder for symbolical possession of property purchased by him in execution of the decree".

The word "symbolical" has been taken out. I will not go into the details. I am only submitting that it will be a wholly impracticable proposition and for the present order of society it will be an impossible situation created and it will lead to nothing short of a chaos if it is sought to be applied. Therefore, if Government are not desirous of bringing a wholesale chaos, they should retain the original wording as contained in the Bill as it emerged from the Select Committee.

**Mr. SPEAKER:** In view of this attitude, I will put the two clauses separately.

The first part of the motion of the Hon'ble Mr. H. S. Suhrawardy that in clause 34 for the proviso to sub-clause (*1*) the following be substituted, namely:—

"Provided that in the exercise of these powers the court shall not—

(*i*) re-open any adjustment or agreement, purporting to close previous dealings and to create new obligations, which has been entered into at a date more than twelve years prior to the date of the suit by the parties or any person through whom they claim",

was then put and agreed to.

The second part of motion No. 1230A moved by the Hon'ble Mr. H. S. Suhrawardy that in clause 34 for the proviso to sub-clause (*I*), the following be substituted, namely:—

"Provided that in the exercise of these powers the court shall not—

* * * * * *

(*ii*) do anything which affects any decree of a court, other than a decree in a suit to which this Act applies which was not fully satisfied by the first day of January, 1939, or anything which affects an award made under the Bengal Agricultural Debtors Act, 1935.

*Explanation.*—A decree shall not, for the purposes of this section, be deemed to have been fully satisfied so long as there remains undisposed of an application by the decree-holder for possession of property purchased by him in execution of the decree,"

was then put and agreed to.

**Mr. SPEAKER:** Now there remains No. 1246A. I hope, Mr. Jalan, you will kindly be as brief as possible.

**Mr. I. D. JALAN:** I beg to oppose the amendment of the Hon'ble Mr. Suhrawardy. In doing so, I would draw the attention of the House specifically to sub-clause (*c*) which runs as follows:—

"(*c*) shall order the restoration to the judgment-debtor of such property, if any, of the judgment-debtor acquired by the decree-holder in consequence of the execution of the re-opened decree as may be in the possession of the decree-holder on the date on which the decree was re-opened".

Mr. Speaker, Sir, I do not find the Hon'ble Minister here.

**Mr. SPEAKER:** He is somewhere here.

**Mr. I. D. JALAN:** The result of this amendment will be that if a decree has been passed long time ago and in execution of the decree a property has been sold even 10 years before and has been in possession of the decree-holder, then under this clause the decree-holder has to give back the property to the debtor. The only fault of the decree-holder has been that he has

given the debtor enough of time in order to pay off his debts. I ask in all seriousness "Is it fair on the part of the Government to propose that if in execution of a decree passed 10 or 12 years before, a judgment-creditor is in possession of a property, he is to be deprived of that property simply because a portion of the decree has not been satisfied?" I cannot understand any system of jurisprudence which can tolerate such a state of affairs except the new jurisprudence which has been evolved by the Government in this case. (A VOICE: Circumstances should also be taken into consideration.) Circumstances are there and nobody disputes that the Government have got to do certain things in order to remove those circumstances, but the way in which the Government are moving in this matter is nothing short of lunacy and I should say that Government have lost all sense of justice and propriety in order to appease their followers. The reason is apparent. There is a rule in the Government Servants' Conduct Rules that a man who is heavily involved in debt should not remain a public servant. I should say, Sir, that the same rule should have been invoked in the case of persons holding high offices, such as the Ministry of the province.

I am very much surprised at the attitude taken by the European Party in this case. The Bengal Chamber of Commerce had the reputation of being against this Bill, but now the European group is sitting tight, because so far as the Europeans are concerned, they have got their banks, their insurance companies and commercial transactions excluded from the operation of this Act. They are not at all affected by this Act. So far as the Government are concerned, they have been partial to the Europeans, but they have been very hard and very severe and very unjust to others. I do not wish to take more time of this House, because I know that Government are dead to all sense of justice and ours is the cry in the wilderness.

The motions of the Hon'ble Mr. H. S. Suhrawardy that in clause 34 after sub-clause (*1*) the following sub-clause be inserted, namely:—

"(*1A*) If in exercise of the powers conferred by sub-section (*1*) the court re-opens a decree, the court—

(*a*) shall, after affording the parties an opportunity of being heard, pass a new decree in accordance with the provisions of this Act, and may award to the decree-holder such costs in respect of the re-opened decree as it thinks fit,

(*b*) shall not do anything which affects any right acquired bonâ fide by any person, other than the decree-holder in consequence of the execution of the re-opened decree,

(*c*) shall order the restoration to the judgment-debtor of such property, if any, of the judgment-debtor acquired by the decree-holder in consequence of the execution of the re-opened decree as may be in the possession of the decree-holder on the date on which the decree was re-opened,

(*d*) shall order the judgment-debtor to pay to the decree-holder, in such number of instalments as it may think fit, the whole amount of the new decree passed under clause (*a*), and

(*e*) shall direct that, in default of the payment of any instalment ordered under clause (*d*), the decree-holder shall be put into possession of the property referred to in clause (*c*)".

And that in clause 34(*1A*) (*e*) as proposed to be inserted by amendment No. 1246A, after the expression "clause (*c*)" the following words be inserted, namely:—

"and that the amount for which the decree-holder purchased such property in execution of the re-opened decree shall be set off against so much of the amount of the new decree as remains unsatisfied."

And that in clause 34(*5*) (*a*), for the words, figures and brackets beginning with "the court" and ending with "sub-section (*1*)" the following be substituted, namely:—

"the court which, in a suit to which this Act applies, passed a decree which was not fully satisfied by the first day of January, 1939, may exercise the powers conferred by sub-section (*1*) and sub-section (*1A*)".

were then put together and agreed to.

**Mr. SPEAKER:** This disposes of all the Government amendments.

**Dr. NALINAKSHA SANYAL:** I beg to move that in clause 34(*1*)(*a*), line 1, for the comma "," the word "to" be substituted.

This is probably one of the most important amendments that the House has been called upon to discuss. (Laughter.) Sir, probably my friends think that it is more or less in a frivolous mood that I propose to delete the comma. It is farthest from my mind to take the time of the House—a time which is so valuable—with a view merely to afford some opportunities to my friends for laughter. Sir, the clause seeks to

give some powers to the court. One of such powers is the power of reopening transactions. With what view this reopening should be made is the subject-matter of my investigation. I find from close examination of the clause that the court is given the power of reopening transactions with a view to two things—to release the borrower of all liabilities in excess of those specified in clause 28 and if anything has been paid in excess to order its refund. So these two latter are the operative portions of the clause for which the reopening is necessary. Sub-clauses (*a*) and (*b*) both relate to reopening.

**Mr. SPEAKER:** Also clause (*c*).

**Dr. NALINAKSHA SANYAL:** No, Sir. (*c*) is the effect of reopening. (*a*) and (*b*) give the court the power of reopening. If the comma is not omitted and if "to" is not substituted for that comma, it will lead to the impression that the power under sub-clause (*a*) will be a power to reopen transaction for all purposes, that is to say the court will reopen transaction and leave it at that for the parties again to have bickerings and to arouse discussions on that. Parties will have again a right after reopening the transaction to do the needful as regards the mutual claims and mutual obligations. If the idea is that the reopening will be only to take an account, between the parties, then and then only the reopening can have a meaning and I believe that was the intention. If that was so, that intention should be made clear by putting "to" before "take an account." That is reopening a transaction to take an account between the parties—not for all purposes but for reopening with the specific objective in view. If that is not done, then there cannot be any difference between the provision of sub-clause (*a*) and sub-clause (*b*). In sub-clause (*b*) also the court reopens any account already taken between the parties. Reopening any account and reopening any transaction, those are the two different things contemplated. If a transaction is reopened, it is not merely the account relating to the transaction that is reopened. It is something more than an account. If merely an account was sought to be reopened with a view to settle something which the court wanted to find out, then sub-clause (*b*) would be quite enough. Sub-clause (*a*) would not be necessary. So, the intention was something more than merely reopening the accounts. That being the position, I submit: let not this reopening of the transaction be without any restriction. Let no reopening of the transaction lead to endless litigation. If the court reopens a transaction without any reservation whatever, it will lead to fresh litigation. That is why I submit that although my amendment looks such as might evoke laughter, it has a very important bearing and the whole character of the clause will be changed if this little humble suggestion of mine is accepted and I believe that the change

will be a change for the better. It will make the position very clear and probably will make it just in line with what the Government themselves have in view.

**The Hon'ble Mr. H. S. SUHRAWARDY:** If Dr. Sanyal wants to effect a change for the better, I will be prepared to delete the comma and put in the word "and" in its place. In the original Bill, section 34, reads as follows:—

"34. (*1*) Notwithstanding anything contained in any law for the time being in force, the court may, in any suit to which this Act applies, whether heard *ex parte* or otherwise, exercise any or all of the following powers, namely, may—

(*a*) reopen any transaction or any account already taken between the parties;

(*b*) take an account between the parties;".

Here the two sub-clauses (*a*) and (*b*) have been put together with a comma.

Actually instead of the comma, the word "and" should be put in. If Dr. Sanyal is agreeable, I am prepared to accept that.

**Mr. JOGESH CHANDRA GUPTA:** The only amendment before the House for its consideration is that for the comma "," the word "to" be substituted. There is no amendment before the House for adding "and".

**Mr. SPEAKER:** It has exactly the same meaning if for the comma the word "and" be substituted.

**Rai HARENDRA NATH CHAUDHURI:** It will not have the same meaning. It will make it of wider scope.

**The Hon'ble Mr. H. S. SUHRAWARDY:** If Dr. Sanyal does not agree, the clause will remain as it is and I shall have to oppose his amendment.

**Dr. NALINAKSHA SANYAL:** My point is not met.

**Mr. SPEAKER:** It is half met.

**The Hon'ble Mr. H. S. SUHRAWARDY:** It will be read together.

**Dr. NALINAKSHA SANYAL:** In view of the interpretation given by you and in view of the fact that the amendment suggested by the Hon'ble Mr. Suhrawardy that for the comma "," the word "and" be substituted is some improvement, I am prepared to accept it.

**Mr. SPEAKER:** Dr. Sanyal, you had better move it as a short-notice amendment.

**Dr. NALINAKSHA SANYAL:** Let Government move it.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 34(*1*)(*a*) for the comma "," the word "and" be substituted.

The motion was then put and agreed to.

The motion of Dr. Nalinaksha Sanyal that in clause 34 (*1*) (*a*) for the comma "," the word "to" be substituted, was then put and lost.

**Rai HARENDRA NATH CHAUDHURI:** Sir, I rise to support my motion with a few words, viz., the motion for deletion of sub-clause (*d*). The Hon'ble Mr. Suhrawardy has been pleased to explain that this provision for repayment is not of a very wide scope. It only relates to payments made on or after the 1st day of January, 1939. Even accepting that interpretation, I think that there is no justification for putting in this sub-clause. This sub-clause, Sir, introduces a very wrong and iniquitous principle. It converts the creditor into a debtor under certain circumstances. We are opposed to any such principle. We are opposed to any provision that will convert the lender into a debtor. There is a further reason for opposing the provision. You will notice, Sir, that the preceding sub-clause, sub-clause (*c*) I mean, provides that the court after reopening accounts will release the borrower of all liability in excess of the limits specified in clauses (*1*) and (*2*) of section 28. Thus the account will have to be readjusted on the basis of the provisions made in section 28. Now section 28 speaks of three things: it reduces the rates of interest; it limits the amount of interest that may be recovered; and at one time it also provides for the wiping out of the principal besides the interest in cases of long term loans.

Now, Sir, if the accounts be readjusted on the basis of the reduced rates of interest, and the other provisions of section 28, cases will naturally arise, and invariably arise in long term loans, where excess payments may be found on the basis of section 28. In such cases, Sir, the court will deem it their duty in view of sub-clause (*d*) to order repayments, i.e., refunds. Sir, I do not know what line of argument

will be taken up by Mr. Suhrawardy in reply, but I anticipate he may refer, in spite of all the railleries of his apologist against the British Jurisprudence, to the English Money-lenders Act. The English Money-lenders Act of 1900 surely speaks of repayment—section 1 of the Act of 1900. But that has been amended by section 10 of the English Money-lenders Act of 1927. Now section 10 runs as follows: "Where, in any proceedings in respect of any money lent by a money-lender after the commencement of this Act"—and I stress the word "after"—"or in respect of any agreement or security made or taken after the commencement of this Act in respect of money lent either before or after the commencement of this Act"—and I stress the words "enforcement of security"—"it is found that the interest charged exceeds the rate of forty-eight per cent. per annum, or the corresponding rate in respect of any other period",—here again note the pitch of interest, Sir,—"the court shall, unless the contrary is proved"—again there is a saving phrase—"presume for the purposes of section 1 of the Money-lenders Act of 1900, that the interest charged is excessive and that the transaction is harsh and unconscionable, but this provision shall be without prejudice to the powers of the court under that section where the court is satisfied that the interest charged, although not exceeding forty-eight per cent. per annum is excessive."

Now, Sir, to reopen a transaction after declaring that a higher rate than 48 per cent. per annum is an unconscionable rate and to provide for the reopening of account after declaring 8 or 10 per cent. as the limits of conscionable rates of interest are surely two different propositions altogether. Not only that, you have to remember that section 1 of the English Act of 1900 stands even after amendment by section 10 of the Act of 1927. If you refer to section 1 of the Act of 1900, you will find that there the court can reopen an account only under three circumstances. To proceedings for the recovery of monies lent before the commencement of the Act it had no application, in other words it had no retrospective effect. Secondly, where the interest and charges are excessive. What rate of interest will be considered excessive has been declared by section 10 of the Act of 1927, viz., that exceeding 48 per cent. And thirdly, in all other cases the transaction has to be proved as harsh and unconscionable. It is not by a *fatwa* fixing maximum rates at 8 or 10 per cent. that the transaction will be considered harsh and unconscionable—that is, apart from the rate of interest the transaction will have to be further scrutinised and decided whether it is harsh and unconscionable. I repeat the words—it will not be considered harsh and unconscionable because of a *fatwa*.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Is it "and" or "or"?

**Rai HARENDRA NATH CHAUDHURI:** Let me read out for your edification: "If there is evidence which satisfies the court that

the interest charged in respect of the sum actually lent is excessive, or that the amounts charged for expenses, enquiries, fines, bonus, premiums, renewals or any other charges are excessive, and that"—please note Mr. Suhrawardy—"in either case the transaction is harsh and unconscionable or is otherwise such that a court of equity will give relief, the court may reopen the transaction and take an account between the money-lender and the person sued."—here are a lot of saving phrases that have been, deliberately, I would say, omitted in this clause—i.e., the Bill clause before us and it is provided that the court may here reopen transactions after adjusting the accounts on the basis of section 28, that is, taking into consideration that 8 and 10 per cent. only are the maxima of conscionable rates of interest. In this view, Sir that is, after comparing it with the Hon'ble Mr. Suhrawardy's model of the British Money-lenders Act—although I know, Sir, he will stand by no model if it does not serve his purpose—I consider it to be a mischievous sub-clause which should be omitted in all fairness.

**Mr. I. D. JALAN:** Sir, it is very hard and incompatible that a Minister should draw more than Rs. 500 when a Bill like the present Money-lenders Bill is required as a relief to the heavy indebtedness of the people, and so long as the present Ministry continues to draw Rs. 2,500 a month, I think they have no justification to produce a Bill like this and ask the money-lenders to repay when they are not prepared to repay the amounts drawn by them in excess of Rs. 500 a month.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I think this is hardly a suitable matter on which Mr. Iswar Das Jalan should hang the spite and jealously towards us, but we will let him stew and simmer in his own juice. (Dr. NALINAKSHA SANYAL: But remember he has a larger income than yours.)

As regards Rai Harendra Nath Chaudhuri's amendment, I would direct the attention of the House to the history of this Bill. It emanated from certain private Bills and I may refer to the Bill of Mr. Ahmad Hossain which made a provision for refunds. Now, Government have set their face against refunds and have not allowed refunds in any of the cases except in case of payments made in overpaid debts after the 1st of January, 1939. This is comparable, Sir, to the clause read out by Mr. Chaudhuri that under the English Money-Lenders Act payments made after the commencement of the Act were refunded. (Rai HARENDRA NATH CHAUDHURI: No; loans after the commencement of the Act.) If in our case the Act had come into operation earlier, then accounts would have been taken on the basis of section 28 and there

would have been no further payments. But as the Bill has been hanging fire for a long time, if payments have been made after the 1st of January, 1939, there is no reason why if a money-lender has been overpaid, and not only overpaid, but overpaid several times, he shall not refund the amount paid after the 1st of January, 1939. Sir, this is making a mountain out of a mole hill, because I doubt very much if any case will be adversely affected.

The motion of Rai Harendra Nath Chaudhuri that sub-clause (*d*) of clause 34(*1*) be omitted, was then put and a division taken with the following result:—

**AYES—30.**

Banerji, Mr. P.
Basu, Mr. Jatindra Nath.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Srijut Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra Nath.
Ganguly, Mr. Pratul Chandra.
Gupta, Mr. Jogesh Chandra.
Jalan, Mr. I. D.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Advaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Mukerji, Mr. Dhirendra Narayan.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.

**NOES—82.**

Abdul Hafiz, Mr. Mirza.
Abdul Hakim, Maulvi.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Latif Biswas, Maulvi.
Abdul Wahed, Maulvi.
Abdu'la-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman, Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Bahadur Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Abul Hossain Ahmed, Mr.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Hossain, Mr.
Alimuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Ashrafali, Mr. M.
Asimuddin Ahmed, Mr.
Azizul Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Barat Ali, Mr. Md.
Bose, Mr. Anukul Chandra.
Bose, Rai Sahib Kirit Bhusan.
Edgar, Mr. Upendranath.
Emdadul Haque, Kazi.
Fazlur Rahman, Mr.
Fazlur Rahman (Mymensingh), Mr.
Golam Sarwar Hossini, Mr. Shah Syed.
Gomes, Mr. S.A.
Gurung, Mr. Damber Singh.
Gyasuddin Ahmed Chowdhury, Alhadj.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasan Ali Chowdhury, Mr. Syed.
Hatemally Jamadar, Khan Sahib Maulvi.
Idris Ahmed Mia, Maulvi.
Jasimuddin Ahmed, Mr.
Jonab Ali Majumdar, Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kundu, Mr. Nishitha Nath.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Manirudding Akhand, Maulvi.
Maqbul Hossain, Mr.
Mohammad Ali, Khan Bahadur.
Mostem Ali Mollah, Maulvi.
Muhammad Ibrahim, Maulvi.
Muhammad, Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.

Mallick, the Hon'ble Mr. Mukunda Behary.
Mallick, Mr. Pulin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mushtaquesal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasrullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K. C. I. E.
Ramizuddin Ahmed, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin, Ahmed, Mr.
Saifuddin Ahmed, Haji.
Saheb Alam, Mr., Syed.
Sarkar, Babu Madhusudan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khawaja, C. B. E.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sirdar, Babu Litta Munda.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Yusuf Ali Choudhury, Mr.

The Ayes being 30 and the Noes 82, the motion was lost.

**Mr. SPEAKER:** Well, I think that so far as amendments Nos. 1229 to 1246 are concerned, they are all in the proviso which has been deleted. So, I shall merely call the numbers out, although they do not arise. If anybody, however, wants to speak, I am prepared to hear him.

**Maulvi ABU HOSSAIN SARKAR:** Sir, I want to move my amendment No. 1243.

**Mr. SPEAKER:** But how can you move it? It is a new thing. That proviso has been deleted altogether.

Mr. Sarkar, you could have given notice of that. I am sorry, I cannot allow this at this stage.

This disposes of all the amendments.

## Programme of Business.

**Mr. SPEAKER:** To-morrow, at the first instance, I will ask Government to move the consequential amendments. Then I will put the clauses one after another. That will not take much time. Then the third reading will be taken up when members may discuss general questions.

**Rai HARENDRA NATH CHAUDHURI:** Sir, I think, clause 34(*5*) has not been disposed of. No decision has been taken on that.

**Mr. SPEAKER:** What is the number of the amendment?

**Rai HARENDRA NATH CHAUDHURI:** 1251A.

**Mr. SPEAKER:** I have already put it as part of 1246A.

**Mr. DHIRENDRA NATH DATTA:** Sir, we have not got a copy of the Bill as corrected up to date.

**Mr. SPEAKER:** I will try to send a copy to every member to-night, if possible; if not, you will get it to-morrow at the latest.

**Dr. NALINAKSHA SANYAL:** Sir, the third reading may be taken up day after to-morrow and to-morrow we may take up the Police Bill and other business that still remains to be finished because corrected copies of the Bill may not be supplied by to-morrow.

**Mr. SPEAKER:** It is for Government to say whether the third reading will be postponed till day after to-morrow. But we will be able to supply you with corrected copies of the Bill by 10 o'clock to-morrow.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Sir, we would like to finish the Money-lenders Bill to-morrow and then adjourn the House after to-morrow and meet again on Friday next.

**Dr. NALINAKSHA SANYAL:** But you have already announced that the Police Bill and other business will be taken up after finishing this Bill.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** The House can be adjourned and these Bills can be taken up later on. Our object is to finish the Money-lenders Bill to-morrow.

**Mr. SPEAKER:** There are 3 or 4 corrected copies and these can be supplied to different parties. These may be distributed among those members who want to scrutinise the Bill thoroughly.

**Dr. NALINAKSHA SANYAL:** Sir, as the corrected copy is not yet ready for every member, it would probably be convenient to take this up day after to-morrow.

**Mr. SPEAKER:** Probably it has already gone to the press. We have arranged to send the corrections to the press as we have been proceeding.

**Rai HARENDRA NATH CHAUDHURI:** Sir, do you then propose to take up the third reading of the Bill to-morrow?

**Mr. SPEAKER:** I think, it will be better.

**Dr. NALINAKSHA SANYAL:** Sir, I think, schedule has not been finished.

**Mr. SPEAKER:** Yes, it has already been finished.

The whips of different parties will please call on the Secretary immediately after the adjournment and he will distribute the corrected copies to them. So, the Bill with all the amendments that have been carried except the one that has been carried to-day will be available to them. As regards clause 34, what I propose to do is to get it cyclostyled and supplied to the members to-night, so that they may get it to-morrow morning. Consequential amendments will be taken up first thing to-morrow; after that, the clauses will be put one after another and then the third reading of the Bill will be taken up.

## Adjournment.

The House was then adjourned till 4-45 p.m. on Tuesday, the 27th June, 1939, at the Assembly House, Calcutta.

## Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

The Assembly met in the Assembly House, Calcutta, on Tuesday, the 27th June, 1939, at 4-45 p.m.

### Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 9 Hon'ble Ministers and 204 members.

## STARRED QUESTION

### (to which oral answer was given)

### Reservation of seats for Muslim students in the Government Commercial Institute, Calcutta.

*524. **The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca:** The Chief Minister is not very well. May I answer the question on his behalf?

**Mr. SYED JALALUDDIN HASHEMY:** May I enquire about the short-notice questions.

**Mr. SPEAKER:** Not now.

**Mr. SASANKA SEKHAR SANYAL:** I think it is better to take up the question when the Chief Minister is present. Dr. Sanyal, it has been arranged, will put at least ten supplementary questions. The Hon'ble Nawab Bahadur may not be able to answer them.

**Mr. SPEAKER:** Nawab Bahadur, you read the answer.

**Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there is any reservation of seats for the Muslim students in the Government Commercial Institute, Calcutta?

(*b*) If so, what is the percentage?

(*c*) Is the Hon'ble Minister aware that the date of admission is not advertised in the *Star of India*, *Azad* and *Krishak*?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

(*e*) Is it a fact that the reservation of seats, if any, is going to be suspended this year? If so, why?

**MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur of Dacca on behalf of the Hon'ble Mr. A. K. Fazlul Huq):** (*a*) Yes.

(*b*) 25 per cent.

(*c*) The date of admission is announced in the *Star of India*, *Amrita Bazar* and *Statesman*, but not in the *Azad* or the *Krishak*.

(*d*) The date is advertised in English newspapers only.

(*e*) No.

(Dr. Nalinaksha Sanyal rose in his seat to put supplementary questions.)

**Mr. SPEAKER:** You will put your questions when the Chief Minister comes.

**Dr. NALINAKSHA SANYAL:** Thank you, Sir.

## GOVERNMENT BILL.

### The Bengal Money-lenders Bill.

**Mr. SPEAKER:** I think we should wait for a few minutes. The Bill as provisionally settled in the Assembly has been printed. There are some printing mistakes which are being corrected. Within a few minutes the Bill will be placed before the members. After that I will call upon the Hon'ble Mr. Suhrawardy to move the consequential amendments one after another. Unless the papers are in your hands, you will not be able to follow.

I think that it would be better if the House was adjourned till 5-30 p.m. in order to enable members to have time to go through the printed Bill and the consequential amendments.

(The House was then adjourned till 5-30 p.m.)

*(After adjournment.)*

**Mr. SPEAKER:** I might just inform honourable members that this time they have got the proof copy of the Bill and there are certain printing mistakes which have been circulated in a separate sheet. I will now request the Hon'ble Mr. Suhrawardy to move the consequential amendments. Honourable members will please note that the figures within square brackets have reference to the printed Bill.

**Rai HARENDRA NATH CHAUDHURI:** There are still some omissions and mistakes.

**Mr. SPEAKER:** Let us see to those things as we go along. I will put one clause after another. Mr. Suhrawardy, will you now move the consequential amendments?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that clause 2 (*14b*)—(new *20*)—be omitted, as Provident Society has already been defined in clause 2 (*6*) (new).

The motion was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 3—(new *4*)—for the word and figures "section 14—(new *16*)—" the words and figures "sections 16 and 19" be substituted.

**Mr. SPEAKER:** Hereafter, in moving your amendments, you need not read the figures within square brackets. I shall explain to the House when I put the amendment to vote.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Yes, Sir.

**Mr. SPEAKER:** If honourable members will kindly refer to clause 4 of the printed Bill, they will find in lines 3 and 4 "section 19." The amendment is that for "section 19" the words "sections 16 and 19" be substituted.

The motion was then put and agreed to.

**Rai HARENDRA NATH CHAUDHURI:** Before the Hon'ble Mr. Suhrawardy proceeds to move the next amendment, may I draw your attention to one point? In new clause 5—old clause 4—there is mentioned only section 19 and not section 16.

**Mr. SPEAKER:** My impression was that section 16 should also be there. But it has been pointed out to me that so far as section 16 is concerned, the procedure has been laid down in section 16 itself. That is why it is no longer necessary.

**The Hon'ble Mr. H. S. SUHRAWARDY:** That is right.

**Mr. SPEAKER:** Mr. Suhrawardy, will you now move the next amendment?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 13 (*5*) the words "within the meaning of section 3 of this Act" be omitted.

**Mr. SURENDRA NATH BISWAS:** Sir, should there not be a similar amendment in respect of clause 5 as in the case of clause 4?

**Mr. SPEAKER:** I will just explain.

**Dr. NALINAKSHA SANYAL:** Before we pass on to other amendments, should we not finish chapter by chapter and see if any member has got other suggestions?

**Mr. SPEAKER:** Let me deal with Government amendments first. So far as this amendment is concerned, I may explain that "within the meaning of section 4 of this Act" is wholly unnecessary because the competent court has been defined under section 4. So "competent court" by itself is quite good enough. That is why it is necessary to adopt this amendment.

The motion of the Hon'ble Mr. Suhrawardy that in clause 13 (*5*) the words "within the meaning of section 3 of this Act" be omitted was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 13 (*6*) for the words "the Provincial Registrar" the words "a competent court" be substituted.

The motion was then put and agreed to.

**The Hon'ble Hr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 13(*7*) for the words "the Provincial Registrar and the" the word "a," and for the word "courts" the words "a court" be substituted.

**Mr. SPEAKER:** It is wholly unnecessary to have the expression "Provincial Registrar" in sub-section (*7*). Therefore it is proposed to delete it.

The motion was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 13A, for the word, figure and brackets "sub-section (*3*)" the word, figures and brackets "sub-sections (3), (5), (6) and (7)" be substituted.

**Mr. SPEAKER:** The purpose of this amendment is to make a consequential change in new clause 17 so that the provision of this section might be applicable, as pointed out by Mr. Datta the other day.

The motion was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 20 (*2*) (*a*), line 3, the word "and" be omitted.

**Mr. SPEAKER:** This is partially consequential and the word "and" is wholly unnecessary. It is purely formal.

The motion was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 21 (*1*), line 4, for the word "him" the words "the money-lender" be substituted.

**Dr. NALINAKSHA SANYAL:** What about "his" in line 2?

**The Hon'ble Mr. H. S. SUHRAWARDY:** That is all right.

**Mr. SPEAKER:** In new clause 25 (*1*), line 4, because the word "borrower" appears, it might be misunderstood. That is why the words "the money-lender" are substituted for the word "him."

The motion was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in the proviso to clause 21 (*2*) for the words, figures and brackets "under section 21 (*1*) of this Act" the words, figure and brackets "by sub-section (*1*)" be substituted.

**Rai HARENDRA NATH CHAUDHURI:** Sir, that is not enough. Mr. Suhrawardy proposes that in the proviso to clause 21 (*2*), for the words, figures and brackets "under section 21 (*1*) of this Act" the words, figure and brackets "by sub-section (*1*)" be substituted. The word "Act" has to be changed.

**The Hon'ble Mr. H. S. SUHRAWARDY:** No, I have said, section 21 (*1*) of this Act.

**Mr. SPEAKER:** Mr. Rai Chaudhuri, I think, you are not right. If you kindly turn to page 9, you will find that in the proviso Mr. Suhrawardy proposes that the words, the whole of it, "under section 25 (*1*) of this Act" be substituted by "by sub-section (*1*)." So it is all right.

**Rai HARENDRA NATH CHAUDHURI:** Will not the word "Act" be substituted?

**Mr. SPEAKER:** If it is carried, viz., he has furnished a statement required under sub-section (*1*), it is all right.

The motion of the Hon'ble Mr. H. S. Suhrawardy that in the proviso to clause 21 (*2*) for the words, figures and brackets "under section 21 (*1*) of this Act" the words, figure and brackets "by sub-section (*1*)" be substituted, was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 25 (*1*) (*b*), line 4, for the word "loans" the words "the loan" be substituted.

**Mr. SPEAKER:** If you turn over to section 28 (*1*) (*b*), you will find in sub-clause (*b*), the words "as to the state of loans;" and it is suggested that for the word "loans" the words "the loan" be substituted.

The motion was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 25 (*2*), line 4, after the word "punishable" the words "on conviction" be inserted.

**Mr. SPEAKER:** This is purely formal.

The motion was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in the proviso to clause 32 for the word "cost" in lines 2 and 6, the word "costs" be substituted.

**Mr. SPEAKER:** This is also purely formal.

The motion was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 39 (*1*), line 13, after the word "punishable" the words "on conviction" be inserted.

**Mr. SPEAKER:** This is also formal.

The motion was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that clause 41 (*2*) (*g*) be omitted.

**Mr. SPEAKER:** This is necessary because the "Registrar" provision has been done away with.

The motion was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 34 (*5*) (*a*) for the expression "sub-section (*1*) and sub-section (*1A*)" the expression "sub-sections (*1*) and (*2*)" be substituted.

**Dr. NALINAKSHA SANYAL:** That is a mistake.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, as a matter of fact in the new draft you have got it there—"may exercise the powers conferred by sub-section (*1*) and sub-section (*2*)." All that I want to make is "sub-sections (*1*) and (*2*)."

The motion was then put and agreed to.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in clause 34 (*5*) (*b*) for the expression "sub-section (*1*) and sub-section (*1A*)" the expression "sub-sections (*1*) and (*2*)" be substituted.

The motion was then put and agreed to.

**Dr. NALINAKSHA SANYAL:** Mr. Speaker, Sir, I have more or less some formal things to draw your attention to. In Chapter I, we start under section 2 with the definition of a bank. May I ask the Hon'ble Mr. Suhrawardy if any definition of a bank is necessary; if not, why should we have this at all?

**The Hon'ble Mr. H. S. SUHRAWARDY:** In section 3, the word "bank" is used. The Provincial Government may, by notification in the official Gazette, declare any bank to be a notified bank for the purposes of this Act. Therefore, the definition of the word "bank" is necessary.

**Dr. NALINAKSHA SANYAL:** Then, Sir, I would like to draw your attention to the order of the various sub-sections under section 2. We have for example "commercial loans" defined in sub-section (*4*). Would it not be better, Sir, to place this after sub-clause (*13*), *i.e.*, where "loan" is defined, because that would follow logically?

**Mr. SPEAKER:** In law, as you know, we have still some orthodoxy. You must have noticed that at first I arranged the various sub-sections in the proper order, but I am told that there is a convention in this matter, and so the arrangement in this long list has been made alphabetically according to that convention.

**Babu NAGENDRA NATH SEN:** Sir, with reference to section 5, I should like to point out that it is stated there: "Every order made by a competent court under this Act shall be subject to appeal in accordance with the provisions of the Code of Civil Procedure, 1908, applicable to appeals." I think, Sir, this is incomplete, because the Civil Procedure Code does not indicate the forum to which the appeal should be preferred.

**Mr. SPEAKER:** That has been provided for.

**Babu NAGENDRA NATH SEN:** No, Sir. A District Judge has the power to transfer a case to a Subordinate Judge and also to a Munsif. If an order is made by a Munsif, an appeal lies to the district court, but if it is made by a Subordinate Judge, it cannot be said that the District Judge is the proper appellate authority for it.

**Mr. SPEAKER:** It is provided in the Bill that wherever a competent court functions, it will follow the same procedure as laid down in the Civil Procedure Code. If it is an order from a small cause court, an appeal shall lie to the High Court; if it is an order from a District Judge, an appeal shall lie to the High Court also. If you will look up the particular section relating to "competent courts," you will find that the appellate court has also been mentioned there.

**Rai HARENDRA NATH CHAUDHURI:** Sir, I would draw your attention to clause 5 (*1*). It is stated there: "the same procedure as it has and follows....." I submit, Sir, that the language is very unhappy.

**Mr. SPEAKER:** I am not responsible for the language.

Now I shall put the clauses one after another. I shall put clause 2 first.

**Mr. SURENDRA NATH BISWAS:** Before you do so, Sir, may I draw your attention to one thing? I am referring to clause 39 (new). It is stated there: "No lender shall take from a borrower or intending borrower any note, promise to pay, power of attorney, bond or security which does not state the actual amount of the loan, the rate of interest charged and the time, if any, within which the principal is stipulated

to be repaid in full, or which states any of such particulars incorrectly, nor shall he take from any borrower or intending borrower any instrument in which blanks are left to be filled in at a later date."

Sir, the word "instrument" here is rather vague. We want the Hon'ble Mr. Suhrawardy to add the words "creating the loan" after the word "instrument." The word "instrument" refers to the word "security" in the third line. A share certificate is accompanied by a blank transfer deed to form a security. A share certificate alone does not form a security; it must be accompanied by a blank transfer deed. Now, as the word "instrument" refers to security, it will be very difficult for the court to determine that a blank transfer deed does not come under the operations of this Act, and that the court should not punish the money-lender for such deed. (Rai HARENDRA NATH CHAUDHURI: Quite so.) Why does not the Hon'ble Minister add the words "creating a loan" after the word "instrument" as he promised to make ints meaning clear?

**The Hon'ble Mr. H. S. SUHRAWARDY:** I did say that. This was moved by Dr. Nalinaksha Sanyal, and after my statement that any court of law would interpret the word "instrument" as *ejusdem generis* similar to the power of attorney, bond or security and that it must refer to a document creating a loan, Dr. Sanyal withdrew his amendment, and after my statement that any court would do so, I did not state that I was going to amend the Act on those lines.

**Mr. SURENDRA NATH BISWAS:** I am only drawing the attention of the Hon'ble Minister to the reasonableness of the addition of the words "creating the loan."

**Babu NAGENDRA NATH SEN:** Sir, I would draw your attention to sub-section (*2*) of section 20 that a small cause court may refer a matter to the district court——

**Mr. SPEAKER:** I do not think that is consequential. That is intended only for the Small Cause Court of Calcutta.

Now I shall put the clauses one after another.

**Mr. JOGESH CHANDRA GUPTA:** With regard to clause 39, Sir, having regard to the power of attorney, the principle of *ejusdem generis* will not be applicable because of the power of attorney in documents creating loans.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I am not prepared to accept that. Our legal advisers are of opinion that no court can possibly misunderstand that.

*Clause 2.*

The question that clause 2, as amended, stand part of the Bill was then put and agreed to.

*Clause 3.*

The question that clause 3, as amended, stand part of the Bill was then put and agreed to.

*Clause 4.*

The question that clause 4, as amended, stand part of the Bill was then put and agreed to

*Clause 5.*

The question that clause 5, as amended, stand part of the Bill was then put and agreed to

**Dr. NALINAKSHA SANYAL:** Are you, Sir, referring to the new clauses?

**Mr. SPEAKER:** Yes, I am referring to the new clauses. Mr. Jogesh Chandra Gupta, is it necessary that I should put the clauses separately or the chapters as a whole? If you like, you can tell me which clauses I should not put now.

**Mr. JOGESH CHANDRA GUPTA:** I will just look into the matter and let you know shortly

*Clause 6.*

The question that clause 6, as amended, stand part of the Bill was then put and agreed to.

*Clause 7.*

The question that clause 7 stand part of the Bill was then put and agreed to.

*Clause 8.*

The question that clause 8 stand part of the Bill was then put and agreed to.

*Clause 9.*

The question that clause 9 stand part of the Bill was then put and agreed to.

*Clause 10.*

The question that clause 10 stand part of the Bill was then put and agreed to.

*Clause 11.*

The question that clause 11 stand part of the Bill was then put and agreed to.

*Clause 12.*

The question that clause 12 stand part of the Bill was then put and agreed to.

*Clause 13.*

The question that clause 13 stand part of the Bill was then put and agreed to.

*Clause 14.*

The question that clause 14 stand part of the Bill was then put and agreed to.

*Clause 15.*

The question that clause 15 stand part of the Bill was then put and agreed to.

*Clauses 16 to 23.*

The question that clauses 16 to 23 stand part of the Bill was then put and agreed to.

*Clause 24.*

The question that clause 24 stand part of the Bill was then put and agreed to.

*Clause 25.*

The question that clause 25 stand part of the Bill was then put and agreed to.

*Clause 26.*

The question that clause 26 stand part of the Bill was then put and agreed to.

*Clause 27.*

The question that clause 27 stand part of the Bill was then put and agreed to.

*Clauses 28 and 29.*

The question that clauses 28 and 29 stand part of the Bill was then put and agreed to.

*Clause 30.*

The question that clause 30 stand part of the Bill was then put and agreed to.

*Clause 31.*

The question that clause 31 stand part of the Bill was then put and agreed to.

*Clause 32.*

The question that clause 32 stand part of the Bill was then put and agreed to.

*Clause 33.*

The question that clause 33 stand part of the Bill was then put and agreed to.

*Clause 34.*

The question that clause 34 stand part of the Bill was then put and agreed to.

*Clause 35.*

The question that clause 35 stand part of the Bill was then put and agreed to.

*Clause 36.*

The question that clause 36 stand part of the Bill was then put and agreed to.

*Clauses 37 and 38.*

The question that clauses 37 and 38 stand part of the Bill was then put and agreed to.

*Clause 39.*

The question that clause 39 stand part of the Bill was then put and agreed to.

*Clause 40.*

The question that clause 40 stand part of the Bill was then put and agreed to.

*Clause 41.*

The question that clause 41 stand part of the Bill was then put and agreed to.

*Clause 42.*

The question that clause 42 stand part of the Bill was then put and agreed to.

*Clause 43.*

The question that clause 43 stand part of the Bill was then put and agreed to.

*Clause 44.*

The question that clause 44 stand part of the Bill was then put and agreed to.

*Clause 45.*

The question that clause 45 stand part of the Bill was then put and agreed to.

*Schedule.*

The question that the schedule stand part of the Bill was then put and agreed to.

*Preamble.*

**Mr. SPEAKER:** Mr. Suhrawardy, you move your amendment on the preamble.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, I beg to move that in the preamble in lines 1 and 2 after the words "better provision" the words "for the control of money-lenders and" be inserted.

The motion was then put and agreed to.

The question that the preamble as amended stand part of the Bill was then put and agreed to.

**Mr. SPEAKER:** We will now take up the third reading of the Bill.

**The Hon'ble Mr. H. S. SUHRAWARDY:** I beg to move that the Bengal Money-lenders Bill, 1939, as settled in the Assembly be passed.

**Dr. NALINAKSHA SANYAL:** Is it quite in order for any other member than the member in charge of the Bill to move the third reading? The rules demand that the third reading should be moved by the member in charge, especially when he is present in the House.

**Mr. SPEAKER:** If you see the definition of Ministers, you will find that under the Standing Orders the member in charge means any Minister acting on behalf of the Government and includes any Minister to whom such a duty may be assigned or delegated.

**Rai HARENDRA NATH CHAUDHURI:** That is not the rule to which we are referring.

**Dr. NALINAKSHA SANYAL:** We are not considering anything in his capacity as Minister in this House. So far as the Bill goes, the technical right is that of the member in charge.

**Mr. SPEAKER:** I think formally the Minister in charge should move.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, you called upon me to move, that is why I have moved the third reading.

**Mr. SPEAKER:** Mr. Suhrawardy, as a matter of fact, I have not asked anybody to move. I only said that we will now take up the third reading of the Bill. I think the Hon'ble Minister in charge should formally move it. (Applause from the Congress Benches.)

**The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:** I beg to move that the Bengal Money-lenders Bill, as settled in the Assembly, be passed.

Sir, in doing so I think, my friends, you probably want to listen to my difficulties. You must have known the difficulties that we all experienced in getting the Bill drafted and then sending it to the Select Committee and giving it some shape for the good of the country. You all know that within the last one year there has been incessant trouble from which we have somehow emerged with a Bill which has just now been placed before the House for its passage, and I hope you are quite prepared to pass the Bill.

Sir, the subject is one that really interests every human being living within the borders of Bengal. You cannot say that even the man in the street will not be affected by this legislation which you have taken more than a year to consider and finish. I can assure you that during this one year there has been a lot of suspicion lurking in the minds of my friends that they will all be ruined at this democratic age on account of the passing of this legislation here. But probably they will find that the monied men will not suffer much and that the way in which the Government have dealt with the Bill from the beginning to the end will justify the conclusion that Government are not unaware of the danger of a true democratic legislation, in the matter of finance. The commercial loan has been excluded from the operation of this Bill and the banks are also excluded. So far so good. I still believe that the speeches that were made from the different sides of the House will convince the managers of these banks that they may lose their power in future if they do not work properly. There are some banks, I mean scheduled banks, against whom complaints have been lodged at this Assembly, and I would implore the managers of those banks to see that no further complaints are made against them, and that their work is done rightly and properly with a full sense of responsibility, so that we may not be harassed in future.

As regards the power reserved to Government to give other banks the facility of freedom, I am sure Government will be very cautious in

discharging the duty that they have taken upon themselves. I know that we will have to get the assistance of all who are interested in the finance of the country in extending that freedom which a lot of people has received. So I hope and trust that your trust will not be misplaced, and we will try to discharge the duty that you have enjoined on us to the satisfaction of all concerned.

Then there remains just one or two points to be mentioned. My friends have been very greatly alarmed at the introduction of section 34 (now 35). If they will carefully read the section, they will find that in the case of old loans we have already made provision that if there has been any understanding between the parties 12 years before the date of the institution of the suit, that cannot be touched by any court. Suppose there is a 50 years' standing loan. If this is rightly interpreted, and every 12 years new transaction is allowed and the court is not allowed to touch that transaction or reopen it, then no new trouble will arise. In future our monied people will not think that they have actually lost all the money they have invested for the last 50 years. (Hear, Hear.) If my friend Mr. Bose would take an exception in a matter like this, I would ask him to read section 35 carefully. He will find that although it is just two or three lines, it is full of significance and it will really set right a lot of difficulties which my lawyer friends have got in their minds. That being so, after the explanation I have given you, I think, the House will agree that nothing more than a provision of an ordinary nature has been embodied in the body of the Bill. I am convinced that if the Act is worked properly, there will be no difficulty for any party whatsoever, and I am sure that the courts which have been given authority will correctly understand the implications of every word and every sentence that have been put in and rightly and properly safeguard the interests of all concerned. This being my reading of the situation and in view of the explanation that I have given, I hope the House will consider that nothing of a very extraordinary nature has happened during the last one year. You all know that 8 per cent. interest for secured loan and 10 per cent. for unsecured loans are not very small amounts for anybody to think of at this time. Of course, if there is a great world war, things may change and the House will come forward at once to increase the rate.

So, although we have settled this to be the present rate, this is not so sacrosanct that it cannot be changed in the future. As regards the rate of interest, I believe that it is absolutely fair and equitable. Then I must point out one of the difficulties I have experienced in actually fixing the rate of compound interest. When I was asked to put in compound interest, I was told that 5½ per cent. should be the highest interest that should be allowed if compound interest was to be provided

at all. As a business-man I thought that if I were to put in so low a figure as that, it might put difficulties in the way of the banks' managing directors. At that time, the banks were not really excluded from the scope of the Bill. I thought that if 5½ per cent. should be the highest rate of interest which I should allow the banks to charge, then the banks might find difficulties in managing their affairs. So, I said "no" as it would have done harm to the banks instead of doing good to them. In many cases I found that banks would not like to advance money at less than 7 per cent. Further, their loans are not for 50 years. Their loans are generally for one year. Suppose they are allowed to charge compound interest at 5½ per cent. maximum, then I think they will find difficulty in managing their affairs. Consequently, I thought that the banks would be happy if they got 8 and 10 per cent. interest instead of 5½ per cent. on their transactions. That is the explanation that I offer to you for this omission of compound interest. You my take it that it comes from a man of business experience who has been working some banks for years and years. So, I thought it would be prudent not to fix 5½ per cent. as the maximum rate of compound interest and thereby put difficulties in the management of the banks.

Then, Sir, I must confess that it took us a very long time in coming up to this stage. I must apologise to you for the delay, but I must tell you that after nine months of struggle—and my friend Mr. Curtis Millar has experienced trouble like that only for a day or two—I found that I practically lost the last drop of my blood. My hæmoglobin came down to, 33, and I never knew that I lost all my blood. Then my doctor said that I must not come here even to-day and make a long speech. As my hæmoglobin is now 50, I feel I have got some blood in me.

I must sincerely thank my friend the Hon'ble Mr. Suhrawardy for having worked for me all these days. I congratulate him on the ability he showed in piloting halt of the Bill. I offer him my congratulations, and I hope that in course of time you will find him occupying a most prominent place in Bengal and in this House. I wish him a bright future. I must at the same time thank the different groups of this House for the patience and trouble that they all took in seeing the Bill through. I may tell you this much, that I still believe that it is not a Bill of such a drastic nature that really speaking it would create difficulties in the country. I know that if it can be proved by anybody that this Bill is really doing harm Government and everybody are on the alert, and I do not believe that there will be any difficulty to bring the subject back again and thrash it out. So I appeal to you to take it in the best spirit and work it instead of writing in the press that something wrong has been done.

**Mr. SPEAKER:** In the present state of your health, I think you should not make a very long speech.

**The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur:** I must beg of you to excuse me for all my shortcomings during the last one year. With these words I resume my seat.

**Mr. DEBI PROSAD KHAITAN:** Mr. Speaker, Sir, this Bill has been in the *de jure* charge of the Hon'ble Nawab Musharruff Hossain and the *de facto* charge of the Hon'ble Mr. Suhrawardy, both of whom have been lawyers, and I doubt not that the legal profession will very much congratulate these two Hon'ble Ministers for having got this Bill passed by this Legislature; because if there is anything certain as a result of this Bill, it is that there will be a crop of litigation and a good income to members of the legal profession (Dr. NALINAKSHA SANYAL: They are starving now) not only in the mufassal but also in the city of Calcutta and in the Appellate Side of the High Court and perhaps also to some lawyers practising in the Privy Council in London. Of that result I have not the slightest doubt, but when we came to the actual provisions of the Bill, there are certain very dangerous principles which we have embodied in it; I feel thankful to the Hon'ble Ministers for having excluded the scheduled banks and the commercial loans, but at the same time we have got to remember that there have been some very dangerous principles accepted in this Bill which we are just going to pass. The first dangerous principle that I shall mention, Sir, is the retrospective effect given in this Bill. It is against all accepted maxims of jurisprudence and law. When a Legislature passes any measure, it should take care to see that it does not upset settled contracts under the law that has been validly in force and in obedience to which people have deliberately and voluntarily made engagements which they have solemnly undertaken to fulfil. Can it be contended by the Hon'ble Ministers that that principle has not been violently swept away by this Bill? The Money-lenders Act of 1933 which has been in operation and will continue to be in operation till this Act comes into force prescribed certain standards by which the dealings of the money-lenders with the borrowers would be regulated. A large number of transactions, innumerable to count in this province, have been entered into under that law. Almost all of them will be swept away by the provisions of this Bill and both lenders and borrowers will not know where they actually stand as a result of this Bill. Not only have the rates of interest been reduced with retrospective effect as regards the arrears, but also interest which has been paid will be re-opened in spite of the fact that the interest which has been realised may have been spent away in the maintenance of the family or in payment of income-tax, super-tax, etc. All those accounts will be reopened by the Court not because the debtor wants it, but because the law enforces

it on the Court to do so. Sir, if this is not dangerous and hard on the money-lender who came to the rescue of the borrower at the time of need, I cannot understand what greater hardship could be inflicted on the money-lender.

Then, Sir, I would refer to another important feature of the Bill. The Civil Procedure Code has laid down very good safeguards against the execution of decree by the arrest of the judgment-debtor, but we have gone beyond that. In the new clause 36, it is stated that no Court shall order execution of a decree passed in any suit to which this Act applies by arrest or detention in prison of the judgment-debtor. I can conceive of cases when I imagine that transactions may be done in respect of persons who do not belong to this province but come from other provinces and who have properties outside this province, and it will not be possible for the decree-holder to proceed against the judgment-debtor in respect of his properties in other provinces, and the only remedy owing to the trouble and expenditure involved——(Laughter from the Coalition Benches.) Sir, it may be very easy for my friends in this House to laugh at that position. But those who have done business with people coming from other provinces, know fully well that decree-holders in this province cannot easily go to courts in far off provinces to execute their decrees against properties belonging to the judgment-debtor. The only relief, the only practical relief—I am not thinking of the theoretical, legal relief—the only practical relief for the decree-holder was to threaten the judgment-debtor that he would be sent to prison because he owns properties elsewhere and does not utilise them for paying the amount of the decree. That relief has been taken away from the decree-holder—a relief, Sir, which, in certain cases, was considered to be very valuable.

Then, Sir, if we refer to other features of the Bill, *e.g.*, the new clause 24, as regards the language in which compulsorily the books of account must be kept, I submit that in the case of many traders, industrialists and other merchants in this province, it will operate very harshly. It is not simply the man who is engaged to keep the books of account in a certain language that is concerned, but it must be conceded by the Government and those that have supported this measure that it is not simply the writing of the books of account that is concerned but the main thing to look into it is, who is to check the books of account to see that they are properly kept and that the men who are entrusted with the management of the business do not commit defalcation? It has been said, I am told, I was not present on that occasion, that unless a restriction was placed upon the language, the people coming from other provinces would not engage people of this province in employment; and, secondly, that the court would not understand other languages in which the books of account may be kept. Sir, why

should we think of the court alone when the matter involved is the carrying on of business, the accounts of which must be checked by the proprietor himself, if he has to see that defalcations are not committed in the carrying on of his business? Sir, if the proprietors know one language only, it is not possible for them to check the books of account kept in other languages, whether it be Bengali or English. Sir, I could understand if at least twenty years ago free and compulsory education had been introduced in this province, as everybody living here to-day would have been bound to study either Bengali or English. But, Sir, under the previous Governments, although agitation was long carried on, free and compulsory education was not introduced in this province, and we must take into account the results of that failure of the previous Governments in introducing free and compulsory education. That not having been done, Sir, we must keep patience for some years if education is to be made compulsory, free and universal. Then and then only could we claim that every person who carries on business in this province must know either Bengali or English if he is carrying on business here. It is not until then that we can expect every proprietor of business to check his accounts either in Bengali or in English only and not in any other language. I would further submit, Sir, that there would have been less opposition to clause 24 (2) by which statements are to be entered in Bengali or in English. So far as that is concerned, the requirements of that clause would be amply met by engaging a clerk who knew either Bengali or English, and all statements could easily be delivered in either of those languages, but, Sir, when the principle is further extended to the keeping of the original books of accounts in certain specified languages, it becomes difficult for a large number of proprietors to see that books are regularly and correctly kept and to be able to swear in courts that they can depose to their own knowledge that the books have been regularly and correctly kept.

Sir, I have dealt with this section at some length, because it does involve complications and difficulties which, we fear, have not been properly realised.

Sir, the Hon'ble Judicial Minister in moving the third reading of this Bill has preached contentment. There are so many difficulties in the way of the money-lenders who are going to lend money in future. They will say whether they will lend or not, but the difficulties will comprise past transactions. It is very easy to preach contentment, but I may repeat the poet's lines:—

"The toad beneath the harrow knows
Exactly where each pinprick goes;
The butterfly on the road
Preaches contentment to the toad."

(The Hon'ble Mr. H. S. SUHRAWARDY: Who is the butterfly?) (Laughter.)

**Mr. SYED AHMED KHAN:** সভাপতি মহাশয়; আজ প্রায় ৪।৫ মাস ধরিয়া এসেমব্লির মিটিং চলিতেছে। ইহাতে যে জনসাধারণের লক্ষ লক্ষ টাকা খরচ হইতেছে, তাহাতে জনসাধারণের কি কি স্বার্থ বা দাবী দাওয়া আদায় হইল তাহাই দেখিবার বা শিখিবার বিষয়, বাজেট আলোচনা কালে দেখা গিয়াছে সমস্ত বড়লোকদের ও ধনিকদের বেলায় সমস্ত টাকা পয়সা বণ্টন হইয়াছে। দীন দরিদ্র কৃষক জনসাধারণের বেলায় কিছুই বরাদ্দ করা হয় নাই। তৎপর কলিকাতা মিউনিসিপাল্ বিলেও দীন দরিদ্রের স্থান হয় নাই। সেখানে কেবল বড়লোকদের কথা, কিভাবে মেম্বর বা মেওয়র হইয়া করপোরেশনের টাকা লুটিবে তাহারই বন্দোবস্ত। আর কে কি ভাবে সরকার বাহাদুরের পদলেহন করিয়া "নমিনেশন্" রূপ উচ্ছিষ্ট ভক্ষণ করিয়া সাত পুরুষকে স্বর্গে নিবে তাহারই কামড়া কামড়ি ছাড়া আর কিছুই আমি দেখতে পাই না। এইত গেল মিউনিসিপাল বিলের কথা। তৎপর বর্ত্তমানে মানিলেণ্ডার বিল আলোচনা করিলে আমরা কি দেখিতে পাই। এই বিলকে মানিলেণ্ডার বিল, মহাজনী নিয়ন্ত্রন বিল না বলিয়া মহাজনদিগের নিমন্ত্রণ বিলই বলা চলে। কারণ মহাজন বলিতে যাহারা সেই বড় বড় সুদখোর রিজার্ভ ব্যাঙ্ক, সিডিউল ব্যাঙ্ক; নোটিফাইড ব্যাঙ্ক, কমারসিয়াল ব্যাঙ্ক, কো-অপারেটিভ ব্যাঙ্ক প্রভৃতি কিছুই এই আইনের আমলে আনা হয় নাই।

স্যার, যে কো-অপারেটিভ ব্যাঙ্ক এর অত্যাচারে আজ দেশের লক্ষ লক্ষ দীন দরিদ্র কৃষক জনসাধারণ সমস্ত বিষয়-সম্পত্তি হারা হইয়া বিহার, ব্রহ্মদেশ, আসামে ও পাহাড় জঙ্গলে আশ্রয় লইতে গিয়াও বিতাড়িত হইতেছে এ হেন অত্যাচারী কো-অপারেটিভ ব্যাঙ্ককে পর্য্যন্ত ইউরোপীয়ান মেম্বরদের প্ররোচনায়, বর্ত্তমান রাজা, মহারাজা, ধনিক, বনিক, পরিবেষ্টিত কৃষক-হন্তা মন্ত্রীমণ্ডলী এই আইনের আমলে না আনিয়া এক বিশ্বাসঘাতকতার কার্য্য করিয়াছেন।

**Mr. SPEAKER:** We are sitting in the Assembly from the 15th February last. Let us to-day at least conduct our proceedings in an atmosphere of such a character that all are agreed that this is a legislation intended to do good to the province as a whole. On this occasion, may I appeal to all sections of the House that to-day at least they should have the background of village-men and not as members of the respective parties? I hope honourable members will kindly realise that this is an occasion on which they are enacting a legislation. Whether it will prove to be good or bad, it is for posterity to judge, but we hope that it will be for the best. I hope that in that spirit speeches will be delivered.

**Mr. SYED AHMED KHAN:** স্যার, আজ বাংলার প্রত্যেক জেলা হইতে অহরহ যে দুর্ভিক্ষের খবর আসিতেছে তাহা অতি মর্ম্মান্তিক—গত বৎসর প্লাবনে দেশ ডুবিয়া যাওয়াতে দেশের সমস্ত রকম ফসল নষ্ট হইয়া গিয়াছে। দেশের কৃষক জনসাধারণ ও দেনাদারগণ না খাইয়া মরিয়া যাইতেছে। নানা স্থান হইতে আনাহারে মৃত্যুর খবরও আসছে এমত অবস্থায় এই মহাজনী বিলে আসল টাকা ত্রিগুন ও শতকরা ৮।১০৲ টাকা হারে সুদ যে তাহারা কি করিয়া দিবে তাহা আমি বুঝিয়া উঠিতে পারি না।

স্যার, ১৯২৭-২৮ সালে বাংলা দেশে পাটের বাজার মণ প্রতি ৩০৲ টাকা ও সুপারীর বাজার মণ প্রতি ৩০৲ টাকা ছিল। অন্যান্য ফসলেরও অনুরূপ বৃদ্ধি দাম ছিল, সেই পাট এখন ২।৩৲ টাকা ও সুপারী ৫।৬৲ টাকা দরে বিক্রয় হইতেছে এবং অন্যান্য ফসলেরও দাম, সেই রকমই চলে। তখন ৩।৪ মণ পাট বিক্রয় করিয়া কৃষকগণ মহাজনকে ১০০৲ টাকা দিয়াছে। মহাজন সেই টাকা আদায় করিয়াছে তাহা হইলে দেখা যায় সোয়া তিন মণ পাটেই ১০০৲ টাকা মূল্যে বিক্রীত হইত।

সেই সমবায়ের দেনাই এখন খাতকের নিকট মহাজনের পাওনা। এখন সেই ৩।০ মণ পাট যাহা আসল তাহাই বিশ বৎসরের কিস্তিতে মহাজন নিয়া গেলেই প্রকৃত প্রস্তাবে তাহাদের আসল টাকা দেওয়া হয়। আমি মনে করি এই মানিলেণ্ডার বিল্‌এ সেই ৩।০ মণ পাটকে আসল ধরিয়া ডিক্রী দেওয়ার আইন করাই উচিত ছিল। তৎপর সুদের কথা, সুদ ত খাতকগণ বা চাষীগণ দিতেই পারিবে না। এখন আপনারা যত টাকাই সুদ ধরেন না কেন, কারণ তাহারা এখন ছুঁচার জ্বালায় অস্থির। ছেলে, মেয়ে, স্ত্রী, পুত্র পরিবারকে ভাত দিতে পারে না, তাহারা অনশনে অর্দ্ধাশনে থাইতে না পাইয়া মরিতেছে। এমত অবস্থায় কি করিয়া তাহারা কিস্তি দিবে; এবং কি করিয়া যে সুদ যোগাইবে তাহা আমার বুদ্ধিতে আসে না। বর্ত্তমানে মন্ত্রীমণ্ডলী একবার চিন্তা করুন বাংলার কৃষকের সবই গেছে। শুধু মাত্র হাড়গুলি বাকী আছে। বর্ত্তমান মানিলেণ্ডার বিলে সেই দেহ অবশিষ্ট হাড়গুলিও কবরে নিবার ব্যবস্থা করিতেছে। এ বিশ্বাসঘাতক কৃষক-হন্তা নির্লজ্জ মন্ত্রীমণ্ডলীকর্তৃক এই বিল দেশে প্রচলিত হইলে কৃষক জনসাধারণকে জীবন্ত সমাধি দেওয়া হইবে।

**Mr. AHMED HOSAIN:** On a point of order, Sir. The honourable member is again using the words "treacherous and shameless," with regard to the Ministry.

**Mr. SPEAKER:** I did not hear it. Maulvi Sahib, may I ask you once again not to make any reflection like that? Please speak on the Bill. You must withdraw the word "বিশ্বাসঘাতক"

**Dr. NALINAKSHA SANYAL:** It is silly. Why should he withdraw it? He has not referred to any particular Minister.

**Mr. SPEAKER:** That is not for you to decide. I have already asked him to withdraw it.

**Mr. SYED AHMED KHAN:** তাই আমি কোয়ালিশন বন্ধুদিগকে এবং বিশেষ করিয়া আমার বন্ধু গোলাম সারওয়ার মিঞাকে বলি আপনার মন্ত্রী প্রীতির কথা ও কুত্তা দৌড় প্রীতির কথা একবার স্মরণ করুন এবং সঙ্গে সঙ্গে হাজার হাজার কৃষকের প্রেমের কথা এবং মোছলেম প্রেমের কথাও চিন্তা করুন নতুবা গ্রামে গেলে পীর গিরিতে আর কুলাইবে না।

সর্ব্বশেষে এই হাউসের সমস্ত মেম্বর মহোদয়দের নিকট আমার এই অনুরোধ তাঁহারা যেন শিছলে দেনা একেবারে মাপ করিয়া দিয়ে এই বিলে ভবিষ্যতে কৃষকদের বিনা সুদে ঋণ ও ধার দেওয়ার ব্যবস্থা করেন।

**Mr. SPEAKER:** Mr. Mozammel Huq, will you be able to finish your speech in 6 or 7 minutes?

**Maulvi MUHAMMAD MOZAMMEL HUQ:** I will take at least 10 minutes to finish my speech.

**Mr. SPEAKER:** There are just 10 minutes left before we adjourn for the prayer. So will you just finish your speech within 10 minutes?

**Maulvi MUHAMMAD MOZAMMEL HUQ:** মাননীয় সভাধ্যক্ষ মহোদয়, Money-lenders Bill এর সম্বন্ধে আমার যা বলিবার ছিল, তা পূর্বেই বলিয়াছি। কিন্তু আমার বক্তৃতার পর হইতে আজ পর্যন্ত এতদিন এই আইন সম্পর্কে আমাদের উপর যে সব মন্তব্য হয়েছে, অন্যান্য দল থেকে কোয়ালিশন পার্টির প্রতি যে সব অলীক অপবাদ দেওয়া হয়েছে, সে সম্বন্ধে দু'চারটি কথা না বলিলে দেশে আমাদের উপর কোয়ালিশন পার্টী ও মন্ত্রীমণ্ডলীর উপর ঘোরতর একটা অপবাদ ও বদনাম থেকে যাবে। সেই জন্য আমি আজকে দু'চারটা কথা বলিতে দাঁড়িয়েছি। ইতিপূর্বে একদিন ময়মনসিংহ জেলার বোকানগরের পণ্ডিত আব্দুল ওয়াহেদ বোকানগরী সাহেব বলেছিলেন—খুব দরাজ গলায় বলেছিলেন যে মন্ত্রীদের মজলে কিছু কিছু সার দেওয়া হয়েছে এবং কোয়ালিশন পার্টীর লোকদেরও হাজার হাজার সার পরিবেশন করা হয়েছে, তাই নাকি রিজার্ভ ব্যাঙ্ক, সিডিউলড্ ব্যাঙ্ক এবং নোটিফাইড ব্যাঙ্ক প্রভৃতিকে আমরা এই বিলের অধিকার থেকে বাদ দিয়েছি এবং আমরা নির্ব্বাক হইয়া রহিয়াছি। Maulvi ABDUL WAHED BOKAINAGARI: আমি এখানেই আজও বর্ত্তমান আছি।) উক্ত কথাগুলি আমাদের কোয়ালিশন পার্টির মেম্বরদের এবং মন্ত্রীদের বিরুদ্ধে একটা ঘোরতর ও অসহনীয় অপবাদ। আমি উচ্চ কণ্ঠে ইহার প্রতিবাদ করিতেছি। আসল কথা হচ্ছে এই যে আমরা Scheduled Bank, রিজার্ভ ব্যাঙ্ক প্রভৃতিকে সিলেক্ট কমিটিতে বাদ দিয়াছিলাম না। কিন্তু, বাস্তবিক পক্ষে যখন আমরা দেখলাম রিজার্ভ ব্যাঙ্ক, Scheduled ব্যাঙ্ক ও Notified Bank প্রভৃতিকে যদি এই আইনের মধ্যে রাখা যায়, তা'হলে এদেশের Banking business জগতের সঙ্গে তাল রেখে চলতে পারবে না এবং তাহাতে এদেশের মহা অমঙ্গল হবে। অধিকন্তু, আইন প্রণয়নকারী হিসাবে জগতে আমাদেরও একটা অখ্যাতি থেকে যাবে। এটা যখন আমারা বুঝলাম, তখনই আমরা ঐগুলিকে এই আইনের অধিকার থেকে বাদ দিয়েছি। বোকানগরের বিখ্যাত পণ্ডিতের এই সকল জটিল সমস্যা বুঝিবার মত বিদ্যা ও মস্তিষ্ক আছে কি? থাকিলে তিনি কিছুতেই আমাদের বিরুদ্ধে উক্ত অর্দ্ধাচীনের উক্তি করিতে নিশ্চয়ই সাহসী হইতেন না।

আমার পূর্ব্ববর্ত্তী বক্তা রাম প্রজাদলের জনৈক সভ্য বলেছেন যে, যেগুলি, নাকি বড় বড় সুদখোর প্রতিষ্ঠান যথা,—রিজার্ভ ব্যাঙ্ক, সিডিউলড্ ব্যাঙ্ক, তাদের বাদ দিয়ে আমরা দেশের অনিষ্ট করেছি। (A MEMBER FROM THE PROJA GROUP: রাম প্রজা মানে কি?) রাম প্রজা মানে বড় প্রজা। (DR. NALINAKSHA SANYAL: যেমন রাম ছাগল?) হাঁ, ছোট ছাগলকে ছাগল বলে কিন্তু, বড় ছাগলকে রাম ছাগল বলে। সেরূপ আমরা ছোট প্রজা, কৃষক প্রজা বল বড় প্রজা, সেজন্য ওরা রাম প্রজা। সেই জন্যই রাম প্রজাদের কাছ থেকে আমরা বরাবর যথেষ্ট গাল খাচ্ছি। যখন ওদের কারো কিছু বক্তৃতা দেবার সময় হয়—, যখনি ওরা কেউ বক্তৃতা দেন, তখনি ওরা মন্ত্রী মণ্ডলীকে গালি অথবা কোয়ালিশন পার্টিকে গালি দিয়া থাকেন। ওদের মধ্যে একজন রাম প্রজা মিঃ আবুহোসেন সরকার, নেকটাই ও কোটপেণ্টলুন সুট পরিয়া আসেন, তিনি হলেন মহা রাম প্রজা। তিনি বলেছেন—আমরা সুদের হার শতকরা ১০৲ টাকা আর ৮৲ টাকা করিয়াছি। এটা দেশের পক্ষে খুব ঘোরতর অন্যায় হয়েছে। সেজন্য তিনি সুদের হার শতকরা ৩৲ ও ৪৷৷৹ টাকা করবার জন্য সংশোধন প্রস্তাব দিয়েছিলেন। সে সংশোধন প্রস্তাব গৃহীত হয় নাই। কিন্তু আমি তাকে স্পষ্ট বলিতেছি এই প্রকার ধাপ্পাবাজী করিয়া—এই প্রকার ভোগা দিয়া দেশকে ভোলান আর বেশী দিন চলিবে না। আমাদের রাম প্রজাদের কি জানা আছে কলিকাতার মাদন সহরে মূল্যবান দালান কোঠা বাঁধা দিয়া শতকরা ৭৲।৮৲ টাকা সুদের কমে টাকা ধার পাওয়া যায় না। আর গ্রামের গরীব প্রজাগণ—যাদের ভিটা নাই—বাড়ী নাই—অনেকের চাষের জমিও নাই—পরের জমি চাষ করিয়া খায়, তাহারা একমাত্র মাঠের ধান বা পাট ইত্যাদি দ্রব্য বন্ধক দিয়া তাও পাবে কিনা ঠিক নাই—ভবিষ্যতের উপর সম্পূর্ণ নির্ভর করিয়া, শতকরা ৩৲।৪৲ টাকা সুদে টাকা কর্জ্জ পাবে—মহাজনগণ সানন্দে তাহাদিগকে টাকা কর্জ্জ দিবে, এটা যে কি রকম যুক্তি তাহা বাস্তবিক পক্ষে এই পরিষদের জ্ঞানী, গুণী এবং চিন্তাশীল সভ্য যারা আছেন, তাহারাই জানবেন

বুঝিতে পারেন। এটা যে তাহা কাঁকি বাজী ব্যতীত আর কিছুই নয়, পল্লীর অশিক্ষিত লোকদের চোখে ধুলো দেওয়া ব্যতীত আর কিছুই নয়, তাহা এখন দেশের সকলেই বুঝিতে পারিয়াছে। দেশে গিয়ে এই রাম প্রজার দল বলবে যে আমরা শতকরা সুদের হার ৩৲ ও ৪৷৷০ টাকা করার চেষ্টা করেছিলাম,—কিন্তু, কোয়ালিশন পার্টির লোকেরা রাজী হলো না,—মন্ত্রীরা রাজী হলোনা, তাই সুদের হার কমাতে পারলাম না। কি করব? আমরা নাচার। এ মন্ত্রীদল সরিয়ে দাও, সব ঠিক করে দেবো।

আমরা রাম-প্রজা, আমরাই একমাত্র দরদী; কংগ্রেস ও আমরা ব্যতীত প্রজা দরদী আর কেউ নাই, এই কথা বিগত ২৷৷০ বৎসর ধরে রাম প্রজার দল বলে আসছেন। দেশের লোক আজ ভাল রূপেই বুঝেছে যে রাম-প্রজাদল খাঁটি প্রজা-দরদী, না কংগ্রেস্ দল খাঁটি প্রজা-দরদী, আর না কোয়ালিশন পার্টি খাঁটি প্রজা-দরদী। এ তত্ত্ব দেশের লোক আজ ভালরূপেই বুঝেছে। সেই জন্য আমি আমাদের রাম-প্রজা বন্ধুগণকে আজ পরিষ্কার ভাবে বলছি যে তাহারা ধাপ্পা দিয়া আর দেশকে ভুলাইতে পারিবেন না। দেশ তাহাদিগকে ভালরূপেই চিনিয়াছে। (Mr. SHAMSUDDIN AHMED: অতবার রাম রাম কোরবেন না।) আমাদের বোকানগরী সাহেব বলেছেন "মন্ত্রীদের মস্তিষ্কে সার দেওয়া হয়েছে। এবং কোয়ালিশন পার্টির লোকদের টাকা হালার হালায় দেওয়া হয়েছে।" একথার উত্তরে আমি বলছি গত no-confidence motion বা মন্ত্রীদের বিরুদ্ধে অনাস্থার প্রস্তাব যখন দেওয়া হয়েছিল, তখন তারা অর্থাৎ আমাদের রাম-প্রজা বন্ধুরা যাদের সুশীতল ছায়ায় আছেন, তখন তারা কোয়ালিশন পার্টীর মেম্বরদের ভোটের জন্য কতই না চেষ্টা করেছেন—কত টাকা ভোটের জন্য সেই পার্টীর লোকদিগকে দিতে চেয়েছেন, তবুও কোয়ালিশন পার্টীর একটা মেম্বরকেও টলাতে পারেন নি—ভাগাতে পারেন নি।

(Cries of "withdraw", "withdraw" from the Congress Benches.)

**Mr. JOGESH CHANDRA GUPTA:** Sir, no member can possibly cast any aspersion on the Congress Party. If he has got any materials, he can easily place them before you and they could be considered by the Privileges Committee. Sir, he is abusing the right of speech here in trying to level some charges against the Congress Party which he himself knows are quite unfounded and malicious.

**Mr. SPEAKER:** If he had mentioned the name of any party, I would have immediately stopped him——

(Cries of "he has, he has" from the Congress Benches.)

**Maulvi MOHAMMED MOZAMMEL HUQ:** Sir, আমি বলেছি রাম-প্রজাদল যাদের সুশীতল ছায়ায় বর্দ্ধিত হচ্ছে, এটা কি অন্যায়?

**Mr. SPEAKER:** Order, order. What I will do is that I will see the transcript copy of the speech and afterwards if any action is to be taken I will do the same.

Maulvi Sahib, I hope you will not any more digress from the real subject-matter of the third reading.

**Babu NARENDRA NARAYAN CHAKRABARTY:** Sir, মোটের উপর এটা বোলতে পারি যে ওর ক্ষমতা নাই অন্য রকমে বক্তৃতা দেওয়ার।

**Mr. SURENDRA NATH BISWAS:** Sir, he has used the words "হাজার হাজার টাকা দিয়েছে"। He has got no business to say like that.

**Dr. NALINAKSHA SANYAL:** Sir, may I know if you will administer the same admonition to the other side as you gave to this side?

**Mr. SPEAKER:** I have already said that I will see the transcript copy of the speech and then decide what action to take.

**Dr. NALINAKSHA SANYAL:** I want to see what decision you are going to make.

**Mr. SPEAKER:** Dr. Sanyal, I consider this a reflection on the Chair and I would have to consider whether I should ask you immediately to leave the Chamber. You have said to the Speaker that you want to see what decision he is going to make. I am astounded. I have kept my patience so long and I think the time has come when you deserve something much more than what I have been giving to you so long. I feel, no House, no Legislature, can function if there is any direct or indirect attack on the Speaker. I would ask you and the Leader of your group to see if the remarks which you have made are not a reflection on the Chair. I will not say anything more for the time being.

**Dr. NALINAKSHA SANYAL:** I certainly did not make any reflection on the Chair. But certainly I have a right to know whether you are going to administer the same admonition to the other side as you did on this side.

**Mr. SPEAKER:** I may tell you that I consider this to be a reflection on the Chair.

**Maulvi MOHAMMED MOZAMMEL HUQ:** যে মহাজনী আইনটা আজ আমরা এসেম্বলীতে পাশ করিয়া দিতেছি, যখন এটা প্রকৃত আইনে পরিণত হইয়া দেশে যাবে, তখন, আমাদের বিশ্বাস, এই যে, যারা কৃষিজীবি—যারা ঋণের চাপে জর্জরিত হয়েছে—ঋণের ভারে যাদের মেরুদণ্ড ভেঙ্গে গেছে—ঋণের দরুণ যারা পথের ফকির সাজিতে বসিয়াছে এই আইনের দ্বারা তাদের মহা উপকার সাধিত হবে—মহামঙ্গল সাধিত হবে।

যদিও মাড়োয়ারী সম্প্রদায়ের কুসীদজীবি সম্প্রদায়ের বড় রকমের হিতৈষী ও বড় রকমের দালাল বাবু দেবীপ্রসাদ খৈতান ক'দিন ধরে বলছেন যে সুদ বেশী না হলে, টাকা অন্য দেশে চলে যাবে।

আমাদের মতে সুদ কম হওয়া দরকার। ওরা বলেন, সুদ বেশী হওয়া দরকার, তা না হ'লে টাকা বাইরে চলে যাবে,—অন্যান্য প্রদেশে চলে যাবে। কিন্তু, আমরা বলছি—বিদেশ থেকে যাঁরা money-lending (বা সুদের কারবার) কারবার জন্য এদেশে এসেছেন, তাঁরা যেখান থেকে এসেছেন, সেখানে চলে যান, সঙ্গে সঙ্গে তাদের সুদের ব্যবসায় ও টাকা পয়সা নিয়ে যাবেন, তাঁদের বাংলা দেশে থাকবার জন্য আমরা অনুরোধ করছি না। চারিদিকে যখন এই কথা প্রচারিত হচ্ছে Behar is for the Beharies, Punjab is for the Punjabis, তখন Bengal is for the Bengalis এই বুলি তুলে আমরা এখনও তাদের তাড়াতে পারছি না কারণ বাঙ্গালীরা ভদ্রলোক—তাদের চক্ষুলজ্জা বেশী। সেইজন্য বিদেশীদের জন্যই আমরা এই আইন করিয়া দিতেছি, যদি তাদের না পোষায়, তাদের বলিতেছি আপনারা আপনাদের টাকা পয়সা দলবল, ঘটি বাটি, পুত্র পরিজন সহ হাওড়া স্টেশনে যান এবং হাওড়া হতে সোজা নিজ নিজ দেশে চলে যান, গিয়ে আমাদের অব্যাহতি দিন এবং নিজের দেশে গিয়ে উচ্চহারে সুদে টাকা লগ্নি করিয়া নিজের ও দেশের উপকার করুন। আপনাদের কাছ থেকে যদি অব্যাহতি পাই, তাহ'লে আমাদের দেশের লোকদের যে ভাবে বাঁচাতে পারি সেই ব্যবস্থা আমরা নিজেরাই করবো। তারজন্য আমরা তৈরী আছি। আপনাদের কোন সাহায্যের দরকার হবেনা এবং সে সাহায্য আমরা আদৌ চাই না।

**Mr. I. D. JALAN:** Mr. Speaker, is my friend entitled to cast any reflection on any community?

**Mr. SPEAKER:** I do not think it is a reflection on any community to say that if some people find conditions in Bengal to be not satisfactory, they may leave it He did not mention any names.

**Mr. I. D. JALAN:** Yes, Sir, he did; he mentioned Marwaris. Are we to have provincialism in this Assembly?

**Mr. SPEAKER:** It is very difficult unless the members keep pin-drop silence to hear every word correctly. As a matter of fact, if the members will not kindly refrain from casting any reflection upon any community, all the effects of legislation will be wasted. You must work in a spirit which is good for the country. I hope the members will kindly realise this. I have not been able to follow what he has said, but in case I find that he has made any reflection on any community I would see that he withdraws it.

**Maulvi MUHAMMAD MOZAMMEL HUQ:** Sir, আমার অনেক সময় এইভাবে গেল। আপনি বিচারক, আপনি বিচার কোরে আমাকে একটু সময় দেবেন।

**Mr. SPEAKER:** I am afraid you indulged in such a digression that you brought upon yourself unpleasant criticisms. I have to finish it to-day. In any case, the House stands adjourned for 15 minutes.

(At this stage the House was adjourned for 15 minutes.)

*After adjournment.*

**Mr. SPEAKER:** Mr. Huq, I hope you will finish your speech soon.

**Maulvi MOHAMMED MOZAMMEL HUQ:** আমি আবারও বলি আমাদের এই Money-lenders Bill যে ভাবে আমরা আজ পাশ করিয়া দিলাম এটা যখন কার্য্য করী হবে তখন এটা দ্বারা গরীব প্রজা যারা, ঋণে জর্জ্জরিত যারা দেনার দায়ে যাদের মেরুদণ্ড ভেঙ্গে গিয়েছে, তাদের ঋণ ভার লাঘব হবে, তারা নিঃশ্বাস ফেলে বাঁচতে পারবে। আমাদের রাম-প্রজাদের উদ্দেশ্য যদি প্রকৃতই ভাল থাকত দেশের লোকের উপকার হোক তারা যদি ইহাই চাইতেন, তাহা হইলে, তাহা আমাদের সঙ্গে যোগ দিয়ে যাহাতে বিলটা অতি শীঘ্র পাশ হয়ে যেতে পারে তাহারই ব্যবস্থা করতেন। তাহারা তা করেননি পক্ষান্তরে, সেই দলের সৈয়দ আহমদ খাঁ সাহেব বলিয়াছেন —এই এসেম্বলীর সেসন কে অনর্থক লম্বা করে দিয়ে আমরা এসেম্বলীর লক্ষ লক্ষ টাকা ব্যয় করাইয়াছি। কিন্তু, আমি জিজ্ঞাসা করি—amendment এর পর amendment দিয়ে এমন কি তের চৌদ্দশত সংশোধন প্রস্তাব অনর্থক উত্থাপন করে কাহারা এই এসেম্ব্লি সেসনের দিন-গুলিকে অতিমাত্রায় বাড়িয়ে তুলেছিলেন? কংগ্রেস ও কৃষক প্রজাদলইত Division এর পর Division call করে আমাদের কাজ তাড়া তাড়ি করতে দেন নাই! আর তারাই আজ বলিতেছেন কিনা যে Assembly র Session কে লম্বা করা হয়েছে? এ কথার বিচার করবে কে? প্রজার অত বড় দরদী রাম-প্রজা হয়ে তারা যে টাকাগুলি নিয়েছেন, যদি তা না নিতেন, তাহলেও একথা বলা বরং শোভন হইত। নিজেরা ও যখন সে টাকার ভাগ নিয়ে হজম করে ফেলেছেন, তখন আর রাম-প্রজাদলের টাকা খরচের কথা তোলা শোভা পায় কি? এরা হচ্ছেন সুবিধা বাদী। এ দলেও থাকেন ও দলেও থাকেন। এবং সুবিধা বুঝে কাজ করেন। সেই জন্য দেশের বহু লোকেই এখন এদের জেনে ফেলেছে। আমার রাম-প্রজা বন্ধুগণ প্রজা-হিতৈষণার ভান করিয়া যা করিতেছেন, তা সকলেই দেখিতেছেন। দেশের দরদী তাঁরা! প্রজা-দরদীও তারাই!! অথচ আমরা যখন প্রজাদের উপকারের জন্য এই মহাজনী আইনটা এসেম্বলীতে উপস্থিত করিলাম, তাঁরা তখন খালি খালি amendment এর উপর amendment দিয়া এই আইন পাশ হইতে কত রকমের যে প্রতিবন্ধকতা করিয়াছেন, তাহা আপনারা সবাই দেখিয়াছেন। দেশের প্রতি তাদের দরদের এরূপ কত নমুনাই না আপনারা এ পর্য্যন্ত দেখিয়াছেন। এখন দেশের লোক বিচার করিবে প্রজার প্রকৃত দরদী কাহারা? কংগ্রেসের লোক, রাম-প্রজার দল, না আমরা? যখন এই আইনটা কার্যকরী হয়ে দেশে যাবে, তখন দেশবাসী বলতে পারবে আসল প্রজা-দরদী কোন্ দল? উপসংহারে আমি জোরগলায় আবারও বলিতেছি—এই মহাজনী আইন পাশ করিয়া দিয়া আমরা যাহা করিলাম, তাহাতে দেশের লোকের, বিশেষ করিয়া প্রজা সম্প্রদায়ের বহু প্রকারের মঙ্গল সাধিত হইবে এবং তাহারা পুনর্ব্বার মাথা তুলিয়া দাঁড়াইতে পারিবে। এত কাল পরে দেশের আপামর সর্ব্বসাধারণের গৃহ কলহাস্যে আবার মুখরিত হইয়া উঠিবে!

**Mr. ABDUR RAHMAN SIDDIQI:** Mr. Speaker, Sir, before I take up the main subject of to-day, one or two misunderstandings on the part of the honourable member for the Indian Chamber of Commerce should, I think, be put to rest. I would draw his attention to the fact that there is room for a difference of opinion regarding the position of a judgment-debtor. There are lawyers and jurists who believe that for a civil wrong, particularly when it is in connection with a loan, the man should not lose his civil liberties altogether. He also waxed eloquent on the language question. It is unfortunate that he was so

one-sided in his criticism. Had he taken into consideration another fundamental principle of jurisprudence—the utilitarian theory of law of the greatest good of the greatest number, then, for the province of Bengal I think, he, too, would have recommended Bengali as the basis of transactions and account-keeping within the purview of this piece of legislation. English has to be introduced, but I think the minorities in Bengal, who use a language which is not the language of the province, must accept Bengali. Further, Sir, we are out to protect the borrower; we are out to see that he is not torn to pieces by these vultures, the money-lenders. If that is so, then it is he who has to be protected. Let the money-lender engage a translator; let the money-lender write two sets of accounts; let the money-lender spend some extra money; but let us give protection to the borrower, particularly, in the rural areas.

This piece of legislation has a history behind it. If we go back to what has been done in Bengal in the recent past, we have reason to be grateful to the Hon'ble Minister for Home Affairs who through great personal effort and industry brought to this province the boon of the Agricultural Debtors' Act for the redemption of rural indebtedness which it is now admitted on all hands has become a curse to India. The intentions of the sponsors and supporters of this Bill, Sir, are to create through its operation a revolution in the economic outlook, in the social structure of Bengal. That being our ambition, I do not see how we can possibly arrest our progress or hesitate in our step forward from day to day to widen the scope of the relief to be brought to the peasant and to protect the huge majority of agriculturists against the rapacious activities of a minority such as the money-lending class. Here, again, Sir, the greatest good of the greatest number should be our guide. The second Act in Bengal was the Usurious Loans Act of 1918.

**Dr. NALINAKSHA SANYAL:** That is an All-India Act.

**Mr. ABDUR RAHMAN SIDDIQI:** It is also applicable to Bengal. Mr. Speaker, Sir, will you please ask him not to interrupt me?

**Mr. SPEAKER:** Dr. Sanyal, please do not interrupt.

**Mr. ABDUR RAHMAN SIDDIQI:** We are all liable to make mistakes. I am not utterly infallible like the honourable and learned doctor, Sir. I may make mistakes which I hope he will kindly overlook and correct me outside the House.

The Banking Enquiry Committee has told us, Sir, that the application of this Act, so far as this province was concerned, had failed miserably. It brought no relief to the borrowers. After this came

the Bengal Money-lenders Act of 1933, sponsored and placed on the statute book, by you Sir. This, too, has not given up the relief which we sought. The result of the enactment of the Agricultural Debtors Act, Sir, was that within one year the total amounts involved in voluntary settlements reached the huge figure of Rs. 30 crores, while the average of voluntary settlements in wiping away principal and interest actually come to were nearly 50 per cent. This alone should be sufficient encouragement to the promoters of this Bill to go ahead. I shall not detain the House, Sir, by describing in detail the Money-Lenders' Act which brought down the rate of interest on mortgages to 15 per cent. and on simple debts to 25 while compound interest was to be calculated with rests of six months. All money-lending contracts repugnant to these rates were declared unconscionable. The debtor could also demand an account from the lender, and he was given the right to deposit money in the court. These were good in their own way, Sir, but the financial blight and the trade depression of 1927 and 1935 brought the prices of agricultural produce to the lowest possible limits and created a most baffling situation. The poor peasant was hit most cruelly. His back was broken. Something had to be done to save him. Even the elements took part in his undoing. Floods ruined the remaining chances of the "Man behind the plough", as you have called him in your book, Sir. The position became hopeless and desperate, and desperate situations demand desperate remedies. Under the new Constitution it is now within the power of this House to go a bit further than in the past. I am glad to notice, Sir, that the Government has not neglected the opportunity so placed before it. This Bill, Sir, is in the nature of a drastic remedy, but I hope it is only the beginning. The Cabinet is deserving of congratulation on the patience, perseverence and persistence they have shown in piloting it through the House. The Hon'ble Minister in charge and his understudy, the Hon'ble Minister for Labour and Commerce, have done their duty by the peasant of Bengal. They have shown courage and determination which make us grateful to them. It has taken months in the Select Committee and it has taken perhaps the longest session of any Legislature in India to bring us to the happy consummation to-day. In spite of the plethora of amendments, some good and some bad, we have waded through the many clauses and sections of the Bill safely. We have now reached the culminating point. Criticism has been levelled against the clauses which give power in the present Bill to deal with past debts. If justification were needed for retrospective effect, I repeat, Sir, that the undoing, the ruin, the devastation of the peasant consequent upon the financial crisis and the disturbance of the whole structural basis of trade and commerce followed by floods are enough and sufficient reasons to justify our decision on this point.

The view that I take of money-lending is that if I were a money-lender, Sir, I would keep the borrower alive. If he is ruined, if he

disappears, then my money also disappears. In such circumstances, Sir, I should facilitate things for him and get my payments back. I would reduce the rate of interest and I would give him such facilities as would allow him to exist and carry on his part of the contract. In place of insecurity and uncertainty, the creditor will now find safety. The Bill, Sir, is likely to prove a blessing to the borrower as well as the lender. The moderate rate of interest of 8 and 10 per cent. has been questioned. With Government paper and gilt-edged securities at 3 to 3½ per cent., frivolous amendments, suggesting rates of interest of 2 and 4 per cent. were moved and even pressed to a division. That makes one doubtful, Sir, of the reality of the sentiment behind the mind of the so-called well-wisher of the Krishak and the Proja. Political capital should be made when possible, but not at the expense of the peasant. This frame of mind does not show a true conception of the realities of the situation. Any and every stick should not be good enough to beat the Government with, particularly when the interest of the peasant and the agriculturist in Bengal is our goal and common ideal. The result of the Bill we are enacting into law to-day, Sir, will be the saving of millions to the province and bringing some peace of mind to the peasants. One would have expected, Sir, that all parties in this House would have made every effort to do this joint service to the peasants. This real constructive piece of legislation demanded united action from us, but unfortunately the whole burden of piloting and supporting it has fallen on this side of the House. I am inclined to the view, Sir, that any danger to or any disturbance of the commercial and general economic life of the province is thus eliminated. After days of negotiations behind the scenes, commercial transactions were excluded from the operation of the Bill. Suggestions and amendments were pressed upon the Government. Left to ourselves, we would perhaps have gone forward with the Bill as it was originally proposed, but the volume of opposition was so strong that there was no alternative left to us but to accommodate it. Besides, the view that this piece of legislation, is likely to disturb urban or semi-urban life where the petty money-lender may not always deal with the peasant, does not necessarily vitiate the main purpose of the Bill. It was most surprising to see that when the division came the party that was most anxious and presistent behind the scenes, abstained from voting.

Sir, I shall not attribute motives. I shall not say anything more, but is it fair, Sir, to us, to this House and to the country at large? Will this attitude lead us to our common goal? I appeal to all sections of this House to see that this piece of legislation is passed and is acted upon by every person in Bengal who has the service of the people at heart. We believe, Sir, that this Bill when passed will prove a work of genuine welfare for the people of this province. If on a measure like this we do not pool our efforts together, we shall prove

ourselves unworthy of the confidence of our people. Time alone, Sir, will decide whether this piece of legislation will do that amount of good which the promoters intend. But this side of the House is determined further to amend the Bill as and when conditions so require in future. We of the Muslim League came here with promises; we came here with definite intentions; we came here with ambitions. Given time to think and given the reasonable assistance and constructive criticism, I think it should not be impossible for us to carry out in time all the promises we have made to the people of Bengal. We shall not shirk our responsibility so far as that is concerned. I admit there has been assistance forthcoming on minor points from every section of the House, but when we come to the more important aspects of the case we find that there is greater sympathy for the money-lender than for the borrower and there, I suggest, Sir, lies the difference between those who talk tall and those who do the job. I cannot but characterise the whole of their outlook and attitude as a negative one—obstructive and destructive. We are satisfied, Sir, that we are on the right path. If the requirements of the situation in the future so demand, we shall not hesitate to forge other measures. Let me again appeal to honourable members opposite to view this Bill with sympathy and give the Government a chance to make their contribution. If they are found wanting, it will be time for them to denounce it.

May I, Sir, with your permission remark that we on this side of the House appreciate the assistance given to us by the European members? (Laughter and cries of "Hear, hear" from the Opposition Benches.) I have my differences with them, and I have not hesitated to express my views openly and clearly. But if we want to go ahead and serve our people, then sympathy from every quarter should be accepted with thankful hearts. Had the European Party decided to oppose this piece of legislation, coupled with the negative and abstaining attitude on the Congress Opposition, the Bill would not have reached the statute book.

We appreciate the patience and kindly helpfulness which you, Sir, have extended to us all along. The consideration and courtesy that you have shown us are remarkable. We are grateful to you, Sir. (Maulvi ABU HOSSAIN SARKAR: Just like good boys!), Through you, Sir, may I convey our gratefulness to the Secretary and his staff whose untiring labour, night and day, is responsible for this happy consummation to-day. We feel, Sir, that if honours have to be divided, we would like to share them with the permanent staff of the Assembly. We pay our sincere tribute to the staff of the Assembly Department for their energy and efficiency.

I support the third reading of the Bill.

**Mr. W. A. M. WALKER:** Mr. Speaker, Sir, in rising to support the motion for the third reading of the Bengal Money-lenders Bill, I do so with feelings of considerable relief. It is almost three months since we started discussions on the second reading, and I am sure all sections of the House will be glad that at last we have reached this stage. I do not propose to discuss in detail the provisions of this measure, as these have been very fully debated on the floor of this House.

When this Bill emerged from the Select Committee it was so altered as to be almost beyond recognition, and the first reactions of my party were feelings of dismay at contemplation of the idea that such a measure might be placed on the statute-book. Apart from the question of those sections which affect our own interests, we visualized the almost complete stoppage of banking facilities and the speedy destruction of credit in this province.

We immediately set to work to see if some superior structure could not be built up out of the shattered fabric of the original Bill, and in this we were fortunate in having a considerable amount of support from other quarters.

Negotiations which ensued were often lengthy and protracted, but I should here like to pay a tribute to those who have borne the burden of those negotiations and also to say that once the position regarding certain features of the Bill was fully realized, none were more ready to see sweet reason than those who had perhaps failed to realize all that the changes in the Select Committee portended.

The House will have observed that a very considerable number of amendments were set down in the name of my party. They will also observe that out of these, only two have been moved, the first for recommittal to the Select Committee and the second for omission of retrospective effect from the Bill. Most of the amendments set down by us were tabled in anticipation of the possibility of scheduled banks and commercial loans being included within the scope of the Bill. When these were excluded, a large number of our amendments became unnecessary, and in the other cases similar amendments were tabled by the Hon'ble Mr. Suhrawardy.

We also decided that in view of the exclusion of scheduled and notified banks and commercial loans, we would not press for one or two of the minor matters on which we had set down amendments. I think it advisable to explain this in order to make our position perfectly clear. Our attitude towards retrospective effect has already been stated in this House, but I should like to emphasize that we fully realize its wisdom in relation to a large number of usurious money-lending transactions of the past, and if an amendment could have

been drawn up to provide for these and to protect the sanctity of perfectly reasonable and legal past transactions we should have been only too pleased to give it our support.

I am very glad that Mr. Siddiqi has been able to give a few words of praise to us in connection with this Bill. I do want to assure the House that my party is second to none in its desire to rid this province of the usurious money-lenders, and if this Bill when put on the statute-book helps to alleviate the distress of the down-trodden debtors in Bengal, then our labours will not have been in vain.

I should like, Sir, to convey our congratulations to the Hon'ble Nawab Musharruff Hossain, who has the proud distinction of seeing his original proposals stand the test of discussion and contention, so that the Bill after many vicissitudes emerges much in the same form in which he originally placed it before the House. Although he has not taken much part in the lengthy discussions on the Bill, he has had a remarkably able lieutenant in the Hon'ble Mr. Suhrawardy. Some of us in this House know what a vast amount of time, energy and thought he has devoted to this Bill and he deserves our praise in no half-hearted manner. His has been a herculean task and he has emerged from it with flying colours.

May I say to you, Sir, that we on these benches, although sometimes fractious at the long and protracted session, should like to congratulate you on the manner in which you have dealt with the vast number of amendments which have been tabled on this Bill. Those of us who are familiar with the measure and the amendments in detail realise the immense amount of work which was involved in the examination by you, Sir, and your department, of the vast body of amendments. Nothing short of genius could have handled them as you have, Sir, and I am sure the House fully appreciates this. With the exception of what I might term as a little breeze this evening, the discussions on this Bill have been remarkably free from rancour and ill-feeling, and I hope that though its passage has been long and tedious, we shall have no regrets when it is finally placed on the Statute Book.

It is not by any means a perfect Bill and it may be that in another place finishing touches may be added which will make for further improvement. As it leaves this House, however, it is, in the opinion of my party, in most respects, a reasonably workable measure which will at least afford the harassed debtor some relief from the gentleman with the big stick.

With these few words I commend the Bill to the acceptance of the House.

**Mr. SARAT CHANDRA BOSE:** Mr. Speaker, I agree with the honourable member who spoke last that we feel a sense of relief at the thought that discussions in connection with the Money-lenders Bill are nearing their end. I wish, I could agree with him on other points as well; but the attitude of his party and that of mine are so fundamentally different on one important question, namely, as to whether an invidious distinction should be made between banks and banks and between one credit institution and another, that I cannot possibly agree with his party.

Sir, I do not propose to inflict a long speech on his occasion. The attitude that I and my party have adoped towards his Bill has been one of co-operation. We have welcomed certain provisions of the Bill; we have criticised certain other provisions—provisions which we thought were rather harsh. I do not propose to go into the details of the provisions which we have criticised. The amendments which we pressed before the House have indicated quite clearly what were nature of those amendments and what were the points of view those amendments represented. Now, in the year of grace 1939, no one can doubt the necessity of a Bengal Money-lenders Bill. Such a Bill, I frankly confess, was long overdue both for the relief of the debtors from the burden of hard and unconscionable bargains and also for regulating money-lending in the future. The attitude which we adopted in this House in connection with this Bill is an attitude which was consistent with our declarations in the past, and if I may draw the attention of the House to one of those declarations which found place in our election manifesto, that declaration ran in these terms: "the question of indebtedness requires urgent consideration and the formulation of a scheme including the declaration of a moratorium and an enquiry into the scaling down of debts and the provision of cheap credit facilities by the State."

That declaration also brings out the difference between the Government and my party in this House, because we feel that merely by reducing the rate of interest, merely by enacting retrospective provisions, you cannot give relief to the poor peasants and workers of the land. Simultaneously with these, you have to make provision for cheap credit facilities and that can be effectively made only by the State. It is there that I differ,—that we of the Congress Party differ,—from the Government. In order to make a Bill like the Money-lenders Bill useful, in order that it might reduce the burden of debt, in order that the debtors may not fall into debt again, you have to enact provisions ensuring the supply of cheap credit facilities and those provisions cannot be made by a few men or a group of men; those provisions cannot be made by a bank here or a credit institution there; these provisions have to be made by the State. I regret to say that up till now there is nothing to the credit of the Government so far

as the provision of cheap credit facilities is concerned. That provision can be made by a thorough and complete reorganisation of co-operative credit societies, by the rapid extension of land mortgage banks, by the resuscitation and the remodelling of small banks and loan societies all over the province. They are things which have yet to be done. I think it is only right that I should, on this third reading of the Bill, draw the attention of the Government to those matters. These are matters which we consider even more important than merely attempting to reduce the burden of debt by means of legislation, because those of us who have practised or are practising the profession of law know only too well that there is no legislation on earth—there can be no legislation on earth—which cannot be defeated. That is why I and my party lay so much importance on the provision of cheap credit facilities by the State.

Now, Sir, I began by saying that one of the main differences between the Congress Party and the European Party has been over the invidious distinction made between banks and banks and between banks and other credit institutions. We should have thought that the time was ripe for removing all discriminatory legislation. We have attempted on this side of the House, but without success, to remove these distinctions, but unfortunately we are in a position of numerical inferiority. To exclude certain classes of banks which deal with foreign capital or with rich men's investments and to include small banks and loan societies within the purview of the Bill is a matter on which we have agreed to differ both from the Government and from the European Party. I am sure, Sir, that discriminatory legislation will take away capital from the mufassil areas and make that capital flow into the big banks of Calcutta which do not extend their helping hands towards the poor cultivators and the workers in the land (cries of "hear", "hear" from the Congress Benches).

Now, Sir, there is also one other matter regarding which we have not been able to see eye to eye with the Government and that is over some of the retrospective provisions which have been enacted. I do not agree with my learned friend, Mr. Khaitan, when he said that retrospective provisions should not be enacted. I hold an entirely contrary view. In order to make a Bill like the Money-lenders Bill or the Agricultural Debtors Relief Bill effective you have to introduce certain retrospective provisions into the Bill. The only question is what should be the nature of those retrospective provisions. Those provisions have to be well thought-out, well-considered, well-discussed. Such provisions should be on the foundations of social justice as between man and man and between class and class and should not treat one class unfairly at the expense of the other but should bring about an adjustment which will reduce as far as possible any harshness on any particular class. That is why we

thought it right to oppose, as we did yesterday, the provision of the Bill, regarding refund. We consider that such a provision would be harmful to the interests of society as a whole. We consider that such a provision would impede the flow of capital in the mufassil areas. That is exactly the reason why we opposed the provision regarding refund yesterday.

As regards the retrospective provisions, I hope Government will do us justice by admitting that we have tried to consider each provision on its merits. Take the attitude of the Government themselves. The Bill when introduced by the Government contained a provision that decrees were not to be reopened at all; only adjustments of three years or less old were proposed to be reopened. The next stage was when the Select Committee sat over the Bill. The Select Committee mostly consisting of members of the Ministerial Party were of opinion that decrees before the 1st January, 1939, should not be reopened and that adjustments 12 years or less old might be reopened. The third stage was when Mr. Suhrawardy came upon the scene. May I on this occasion pay a tribute to the efficiency with which he has acted as midwife to the Hon'ble Nawab Musharruff Hossain and, according to his admission, underwent labour for ten long months? (Laughter.) When Mr. Suhrawardy came on the scene, the first expression of his opinion was in the amendments,—in some of the amendments—he introduced. One of the amendments he originally tabled was that decrees passed before the commencement of the Act should not be reopened.

Last of all Mr. Suhrawardy changed his previous amendment and brought forward an amendment before the House which proposed that decrees 12 years old and more should be reopened—not only unsatisfied decrees but even satisfied decrees could be reopened if the possession of the property purchased had not passed to other hands. I do not say all this in a spirit of carping criticism. I say this only to illustrate that in the matter of retrospective operation, honest differences of opinion may exist; and it is because of those differences that we have supported many of the retrospective provisions of the Bill and have opposed others and one of the provisions we opposed was the provision for refund.

I again say that I do not agree with my friend Mr. Khaitan that a Bill of this nature should not have retrospective provision. In the nature of things if you want to give relief to the debtor, relief from the burden of harsh and unconscionable bargains, relief from the burden of indebtedness, you have to introduce a certain amount of retrospective provision.

Now, Sir, there is one other matter regarding which we have differed from the Government and that is regarding the panel provisions which were introduced into this Bill. I entirely support the provisions of the Bill which relate to registration of money-lenders with a view to regulating their business, but at the same time we have expressed the view in some of our amendments that some of the provisions which have been enacted in that connection are so replete with penal provisions that they almost wear the appearance of the Penal Code itself. The House will remember that with regard to one of these penal provisions we thought it right to divide the House, but we could not carry our amendment because we were in a numerical inferiority. We hope that in the subsequent stages of the Bill the criticisms which we have offered in and by the amendments which we pressed—not by all the amendments which we tabled, because after further consideration we limited ourselves to certain amendments—before the House will be considered and that certain harsh provisions which still find place there will be removed.

Sir, we have not—and I say so deliberately,—we have not obstructed the passage of this Bill. On the contrary, we have supported many of its provisions which found favour with us and which were consistent with our principles and policy. Certain other provisions we have opposed by putting amendments against them. We do not propose to obstruct the passage of this Bill at this stage. We propose to observe a consistent attitude so far as this Bill is concerned, but I may state before I resume my seat that we do reserve to ourselves the right of introducing, possibly through other hands and in another place, the provisions which we think are necessary to be introduced into this Bill, whether by way of amendments or by way of additional clauses. Those provisions we reserve our right to introduce at a subsequent stage.

With these words, Sir, I define the attitude of my party so far as this Bill is concerned.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Mr. Speaker, Sir, of all the sighs of relief that have been uttered or given expression to from various parts of the House, perhaps the House will pardon me if I were to declare that mine is the deepest and the heaviest. However, this sigh goes out with a certain feeling of happiness, because I feel that the Bill which we are about to pass is going to do real good to the cause of the poor and the down-trodden of this province whose interests will always be the chief concern of the Ministry, in spite of the valiant efforts to the contrary on the part of the gentlemen who sit opposite.

Sir, before I answer some of the points that have been raised in connection with the Bill, I desire, Sir, to give my thanks for the

assistance rendered in the passage of the Bill, firstly, to those non-official members of the Coalition Party, I recall the names of Mr. Ahmed Hossain, Mr. Rajibuddin Tarafdar and Mr. Abdul Hakim, who first tabled their Bills dealing with money-lenders before the Assembly and gave this Government an opportunity to go into the whole question and place a workable and a substantive Bill before the House: Secondly, Sir, to the Select Committee presided over by my esteemed colleague Nawab Musharruff Hossain who for months together went through the intricacies of the question and produced a Bill which was worthy of consideration by this House. Next, Sir, to the Coalition Party that thrashed out each measure of the Bill and suggested amendments to it which have considerably improved it and made it into a sound and workable proposition and while I mention, Sir, the Coalition Party and the co-operation which it extended to the Ministry, may I at the same time pay my tribute to the help and assistance which we received from the European Group. Sir, when Mr. Abdur Rahman Siddiqi was expressing the thanks of the Coalition Party to the European Group there was a certain amount of unnecessary caterwauling from the Opposition Benches. But I do recall that in many, many speeches of this House how the Opposition has from time to time appealed to the sanity and the sense of justice and sobriety of the European Group in support of its own measures and how from time to time it has paid a tribute to that very group and has cajoled them in hopes of getting their support. Fortunately, Sir, they have never been able to put up a decent enough case to receive that support from that group. But it hardly lies in the mouths of these disappointed gentlemen to object to our expressing our feelings of thankfulness to the European Group not only for the very helpful suggestions made by them from time to time for the purpose of improving the Bill but for the unstinted support which it has given to the various measures and the various clauses, although I feel that in many cases these clauses have been opposed to their cherished opinions. Sir, I next pay my tribute to the co-operation which I have received from various parts of the House during the passage of this Bill. I wish that that co-operation had been more unstinted. The Leader of the Opposition in defining the position of his party has stated that it was of the nature of co-operation with Government on the question of the Bill. I only wish that I could endorse that view of the position of his party towards the Bill. Throughout we have been sensing a feeling of opposition. Throughout it has been brought home to us that there have been more tactics on their part than co-operation and it is only when they felt that an opposition to this measure of the Coalition Party and an opposition to this beneficent measure sponsored by the Ministry would have brought them into ridicule and contempt in the country outside that they gave to this Bill their support. Let me take an example of special pleading which has been raised by the Leader of the Opposition to-day, namely,

that his party differs from us and from the European Group in the manner in which we have differentiated between scheduled banks and the other banks. The minutes of dissent tabled or the minutes of dissent of the members of his party were in favour of the exclusion of banks altogether. All of us know that amongst these banks were perhaps the most pernicious of the money-lending institutions within the province and if we excluded these banks it would mean that we were giving liberty and licence to a large number of rapacious institutions, whose activities ought to be our first duty to curb.

**Mr. SURENDRA NATH BISWAS:** Why did you not include all banks?

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, we took the middle course and we excluded scheduled banks for reasons which I have stated on the floor of the House over and over again, and if there are any banks that are conducting their operations decently and honestly and are dealing fairly by the people of the province, we have made provision for their exclusion by the provision for notification. Now, I desire to reiterate a statement which I made on the floor of this House, namely, that though we have excluded scheduled banks, we are going to enquire into the affairs of these scheduled banks which give loans to agriculturists and if we find that their dealings with the agriculturists and their dealings with the people of the soil are not fair, honest and decent and if they are unable to revise their methods of work, we shall not have the least hesitation either in once more including all the scheduled banks within the purview of the Bill or in including those banks which deserve to be treated like that.

Sir, the Leader of the Opposition apparently was not here when I placed some figures on the floor of the House when I moved the exclusion of scheduled banks to the effect that most of the banks that operated in the province were not banks with foreign capital and that the scheduled banks that affected our people most were Indian banks with Indian capital. We have excluded scheduled banks, not with a view to excluding those foreign exchange banks who would not have been affected at all by our measures, but we have done so in order to exclude Indian banks run with Indian capital. Therefore, Sir, there is no basis whatsoever in his suggestion that the exclusion of scheduled banks has been inspired by any desire on our part to exclude banks with foreign capital.

Now, Sir, another point raised by the Leader of the Opposition was the question of the establishment of rural credit for the people of the province. He stated that on this point his party differed from Government. Let him not lay this flattering unction to his soul that his party is anxious to establish rural credit, because on this point, Sir, not only

do we not differ from him, but we are taking steps for the purpose of establishing rural credit. The various suggestions made by the Leader of the Opposition are merely a repetition of the suggestions already made from the ministerial side some months back. We are already overhauling the machinery of co-operative banks and in excluding co-operative banks I do, and do once more, reiterate the declaration that these co-operative banks have been excluded from the purview of the Bill because we propose rehabilitating them, rehabilitating their past debts and allowing them a fresh lease of life, so that they may be useful to the agriculturists.

**Dr. NALINAKSHA SANYAL:** Charging 12 and 18 per cent.?

**Mr. SPEAKER:** Order, order. The Leader of the Opposition was not disturbed in any way when he was making his speech, and I think that when the reply is given by Government, a similar courtesy should be extended.

**Mr. JOGESH CHANDRA GUPTA:** There is one thing which I have to point out. The Hon'ble Minister has thought fit to question the sincerity of the statement of the Leader of the Opposition that he had offered co-operation. Further, he is making an abusive speech and thus making the position very difficult for us.

**Mr. SPEAKER:** I am sorry I cannot allow you to intervene when the Hon'ble Minister is replying. If you wish to explain the position, I will give you an opportunity.

**The Hon'ble Mr. H. S. SUHRAWARDY:** Sir, what I stated was that I wished there was a greater measure of co-operation.

Now, Sir, these co-operative banks should be rehabilitated that they may be useful for the purpose of giving loans in future to the agriculturists, that the rates of interest should be brought down as low as possible—and we do not forecast that the rates will be beyond the scope of the Money-lenders' Bill itself—and that these co-operative banks will be far flung, so that they may be available at the very door of every agriculturist in the province. Matters such as floating of debentures for winding up the past loans of the co-operative societies are being considered by us, and we hope that the next time when the Assembly meets, we shall be in a position to place before it a well-considered scheme for the rehabilitation of rural credit.

Sir, Mr. Khaitan stated that we had embarked on certain dangerous principles and encroached on certain defences of vested interests. May I, Sir, point out to him that the most dangerous principle that we have embarked upon is that we have given relief to the oppressed, and those, Sir, who are to-day on the verge of collapse owing to the exactions of the money-lenders. Mr. Khaitan and those who think with him should realise that the time has now come when misery must be relieved, when the shackles of bondage must be thrown aside, and if we are not prepared to give relief to these people, then they by becoming landless and hopeless will turn on us and break down all those defences which society has erected round itself.

Sir, before I sit down, may I pay my tribute to the manner in which you have conducted and guided the debate. It would not have been possible for us, Sir, to mould and fashion the Bill, had you not recognised our difficulties and given us the utmost latitude, a latitude, Sir, which, I fear, we sometimes abused in our efforts to place before this House a reasonable measure. This House will remain eternally grateful to you for the manner in which you have conducted the debate.

Before I sit down, may I pay my tribute to the permanent Secretaries of the Department. We are likely to forget in the midst of our own deliberations the great amount of work which has been put in by the Secretaries behind the scene. I may mention in particular the name of an officer who is not likely to come back to the Secretariat, that of Mr. Roxburgh, for the manner in which he has drafted the Bill and assisted the members of this House not only in the Select Committee but here also, and after his departure the other officers, Mr. Younie, Mr. Baker and Mr. Blank without whose assistance it would not have been possible for us to place the Bill before the House for consideration. (Dr. NALINAKSHA SANYAL: আর ইণ্ডিয়ান অফিসাররা কিছুই করেনি, বাদ। সেলাম কর, সেলাম কর। Now, Sir, the assistance which these officers have received from their own permanent Assistant Secretaries and other assistants and what you have received from your Secretary and the staff of your Department cannot also be overlooked, and we pay to them their due meed of praise. We feel, Sir, that without the hard work which they have put in, possibly we would still have been grappling with this Bill and would not have been able to bring it to a satisfactory termination.

With these words, Sir, I commend the motion of the Hon'ble Nawab Musharruff Hossain to this House for acceptance.

The motion that the Bengal Money-lenders' Bill, 1939, as settled in this Assembly, be passed, was then put and agreed to.

**Mr. SPEAKER:** I think, before I adjourn the House I must acknowledge with gratefulness the appreciative remarks which have

been made not so much about myself but about the Department with which I am concerned to-day. I hope members will pardon me if I say this is a Bill in which, being myself responsible for the Money-lenders' Bill of 1933, I took a good deal of care. I have some personal feelings about a Bill of this character, and it is with that end in view that I have tried to place my services at the disposal of both the Opposition and the Coalition Party to see if, so far as this piece of legislation is concerned, we can mark the beginning of a new epoch which will really rehabilitate the condition of the poor peasants of the soil. I hope I have done my best. Whatever might have been the feelings and the rufflings here and there, members will certainly go back with a feeling that they have done their duty by God and man as best as they could.

## Adjournment.

The House was then adjourned till 4-45 p.m. on Wednesday, the 28th June, 1939, at the Assembly House, Calcutta.

# Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 28th June, 1939, at 4-45 p.m.

**Present:**

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, 11 Hon'ble Ministers and 195 members.

## STARRED QUESTIONS

**(to which oral answers were given)**

### Deaths due to starvation and necessity for gratuitous relief and agricultural loans in Tippera.

*525. **Maulvi JONAB ALI MAJUMDAR:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that one Charu, son of Azimuddin, Aku, son of Abdul Latif Khandker, and a son of Imamuddin Chaukidar of village Tarapalla in No. 2 Kalocho Union Board, police-station Hajiganj, in the district of Tippera, have recently died of starvation;

(*ii*) that the prevalence of acute distress in the said Union was brought to the notice of the District Magistrate, Tippera, in a written petition duly stamped and signed by more than 500 persons asking for gratuitous relief and agricultural loans on the 18th April, 1939;

(*iii*) that the people of No. 2 Kalocho Union subsequently assembled in a meeting on the 15th *Baisakh*, 1346 B.S., and passed a resolution demanding immediate gratuitous relief and agricultural loans for the starving poor and other needy persons;

(*iv*) that a copy of the resolution was submitted to the Hon'ble Minister on the 2nd May, 1939, for necessary action;

(*v*) that a copy of the above resolution was forwarded in original by the Revenue Department to the Collector of Tippera with their letter No. 5352 Misc., on the 9th May, 1939, for necessary action; and

(*vi*) that no money has yet been sanctioned for distribution as gratuitous relief and agricultural loans for the above union?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of immediately sanctioning a substantial amount for distribution as gratuitous relief and agricultural loans amongst the people of the above Union and preventing more deaths through starvation?

**MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy):** (*a*) (*i*) No.

Charu died of indiscretion of diet after partial recovery from fever. Aku was a boy of 9 or 10 years and it is reported that his death was due to a disease of the scrotum from which he was suffering. Imamuddin's son died of fever and his death was so reported by his father and the chaukidar.

(*ii*) A petition purporting to be signed by a large number of people asking for agricultural loans amounting to Rs. 5,000 was received by the Collector on the 19th April, 1939. It was sent to the Circle Officer for making necessary enquiries and to instruct the applicants to submit applications in the proper form. Although 250 application forms were provided (including 100 given to Mr. Jonab Ali Mazumdar, M.L.A.), only a few applications have been received by the Circle Officer up to the 8th April, 1939, and loans will be granted in cases where they can be given under the rules.

(*iii*) to (*v*) Yes.

(*vi*) *Vide* reply to (*ii*). In addition Rs. 997 have been advanced by the Chandpur Central Bank in this Union for short term crop loans.

(*b*) With considerable effort the local officers have induced the Union Board to form a local relief committee. This has collected a small amount which has been supplemented by a grant of Rs. 100 from the District Relief Fund for financing paddy husking. Work on the Hajiganj-Matlab Road is available and steps are being taken to grant agricultural loans. The arrangements made for gratuitous relief are adequate.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if the indiscretion of diet referred to has been in connection with want of food?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** No, Sir.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister please give us the details of the report about this indiscretion of diet that may be in his possession?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, the local officers reported that it was a case of indiscretion of diet. Nothing more is available.

**Dr. NALINAKSHA SANYAL:** Is it a fact that this boy had to eat grasses and leaves of trees, because he could not get rice, and that was probably the "indiscretion of diet" referred to?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** No, Sir.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state on what materials he says that this is not a fact?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, indiscretion of diet, by no stretch of imagination, can be interpreted as eating of grass. Indiscretion of diet is a very simple expression, and I think all of us sometime or other indulge in this, and my honourable friend is fully aware of that. Sometimes it causes disastrous results; sometimes it does not.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister please state if this indiscretion of diet refers to taking *polao* and *kalia*? (Laughter.)

(No reply.)

**Mr. NIKUNJA BEHARY MAITI:** Is the Hon'ble Minister aware that in the Jhargram subdivision of the Midnapore district, people are actually eating grasses and leaves of trees?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I submit, Sir, that that question does not arise.

**Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister be pleased to tell us how long Charu was suffering from fever?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** No period is mentioned.

**Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister please tell us how long after the alleged partial recovery Charu died?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, I have no detailed information on that point. It is simply mentioned in the report of the local officers that this gentleman died of indiscretion of diet after partial recovery from fever and not of starvation.

**Dr. NALINAKSHA SANYAL:** With reference to answer (*a*)(*ii*), will the Hon'ble Minister be pleased to state whether the 250 application forms referred to were given after the largely-signed petition for agricultural loans was received by the Collector or before?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** After.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister please look at the dates mentioned in the answer where it is stated that the Collector received the largely-signed petition on the 19th April and the application forms were given on the 8th April, 1939? Will the Hon'ble Minister be pleased to state how these two dates which appear to be anomalous can be reconciled? There must be some mistake.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I am sorry, Sir; then it must be before the application was received.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state whether the Collector took any steps when he had before the receipt of the largely-signed petition actually had occasion to distribute application forms; and if he took any steps, what were the steps he took to ensure that proper application forms may be received?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** The application forms were distributed through the circle officer as well as through the local M.L.A. That was sufficient step taken by the District Officer, and I do not think that any further steps were necessary.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if of the persons who had signed a largely signed petition to the Collector, there were any who had previously received the application forms?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I ask for notice.

**Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister be pleased to state how many applications were received by the Circle Officer and whether any applicants were granted any loans?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I ask for notice.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to enlighten us whether any financial help was given there after the 9th May?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** How does that question arise?

**Mr. ATUL KRISHNA GHOSE:** It arises because it is said that a copy of the above resolution was forwarded in original by the Revenue Department to the Collector of Tippera with their letter No. 5352 of the 9th May, 1939, for necessary action.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Evidently action was taken by the Collector even before he received the resolution from the Revenue Department.

**Mr. ATUL KRISHNA GHOSE:** My question was whether any financial help was given or not.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** No financial help could be given without application and I am sure the local officers were waiting for applications. In the meantime, arrangements were made for advancing some money from the local relief committee fund.

**Mr. ATUL KRISHNA GHOSE:** Will he Hon'ble Minister be pleased to state if it is a fact that the Hon'ble Minister gave an assurance in this House that whenever the District Magistrate will ask for any money, that will be supplied within 24 hours' time, and on the basis of that assurance, may we know whether according to the request of the Collector, any financial help was given within 24 hours or even 24 days?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** There can be no justification for assuming that there was any requisition for money by the Collector to the Revenue Department and that requisition was not complied with.

**Dr. NALINAKSHA SANYAL:** With reference to the system of application form referred to, may we know since when it has been enjoined by the Department that for receiving gratuitous relief, applications in such forms as may be supplied by the Collector should be sent?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** It is not a case of gratuitous relief, but of agricultural loans.

**Dr. NALINAKSHA SANYAL:** Both agricultural loans and gratuitous relief are mentioned.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** No; a petition purporting to be signed by a large number of people asking for agricultural loans amounting to Rs. 5,000 was received by the Collector.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state when the system of application for agricultural loans was introduced?

**The Hon'ble Sir BIJOY PROSAD SINGH ROY:** It must be a local arrangement—I ask for notice.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to enlighten us on the contents of letter No. 5352 so that we may know whether any recommendation was made at all or not?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** These correspondence are confidential and Government refuse to disclose them.

**Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister be pleased to state in details about the arrangements made for granting gratuitous relief?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, it has been mentioned in the reply that Rs. 100 was given from the District Relief Fund for financing paddy-husking and Government are waiting for the recommendation of the local officers.

**Dr. DHIRENDRA NATH DATTA:** With reference to answer (*b*), will the Hon'ble Minister be pleased to give us an idea or any knowledge of the nature of the arrangements made for gratuitous relief which he considers adequate so that we may judge about the adequacy of the arrangements?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** It is not possible for me to give details off-hand.

**Conduct of Tahsildars and Circle Officers of Patharghata Circle of Panihata Wards' Estate.**

***528. Mr. P. BANERJI:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that the Tahsildars and Circle Officers are exacting from the tenants of the Patharghata Circle of Panihata Wards' Estate "Akheri Parbani" at the rate of from one to two annas per rupee at the time of realisation of rent;

(*ii*) that rent receipts are not issued for rents paid for limitation period;

(*iii*) that no receipt for money paid towards rent or payment in kind is issued in respect of lands purchased by the estate as *khas* land;

(*iv*) that no receipt is paid for the produce from the Bhagchasis;

(*v*) that for the improvement of agriculture, seeds and manure were to have been distributed amongst the tenants;

(*vi*) but that in the majority of cases, the said seeds and manure were utilised for the personal use of the employees of the wards estate themselves;

(*vii*) that in cases where tenants protest against illegal exactions, they are put to unnecessary harassment by suits being instituted against them, and by suppressing their notices, moveables are attached;

(*viii*) that in cases where tenants desire to lodge complaints against the officers, the persons are threatened with bodily injury and mischief;

(*ix*) that a complaint was lodged by Babu Kartic Chandra Mandal of Pancharia village in Bhangor thana against the Circle Inspector, Tahsildar of Pathurghata Circle and the Assistant Jama Nabish to the effect that they settled a *khas* purchased land on Rs. 162 but they showed on the Bidsheet in Kabuliat only Rs. 51 and thus misappropriated Rs. 111, and

(*x*) that the Manager equired into the matter and took down the evidence of the local people?

(*b*) Will the Hon'ble Minister be pleased to state what action, if any, has since been taken in the matter referred to in (*a*) (*x*)?

(*c*) Is the Hon'ble Minister considering the desirability of enquiring into the allegations?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** (*a*) (*i*) Allegations to this effect were previously made but after the Manager had personally warned the tenants and the collecting staff, no further complaints have been received.

(*ii*) An allegation to this effect has been made by a tenant against the former Tahsildar and is now pending for trial before the Subdivisional Officer, Baraset.

(*iii*), (*iv*) and (*vi*) to (*viii*) No.

(*v*) Yes.

(*ix*), (*x*), (*b*) and (*c*) Yes. The Manager enquired into the matter, which is now under further enquiry by the Wards' Deputy Collector.

**Mr. P. BANERJI:** With reference to (*a*)(*i*), will the Hon'ble Minister be pleased to state when these allegations were made?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I ask for notice.

**Mr. P. BANERJI:** Will the Hon'ble Minister be pleased to state if it is a fact that further complaints were made by one Mr. Kartic Chandra Mandal along with 17 others on the 18th of March?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I think, this is the allegation referred to in the reply.

**Mr. P. BANERJI:** Sir, in his answer, it has been said that allegations were previously made but whether these allegations refer to the complaint made on the 18th of March or previous to that, is not clear.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** It is very clearly stated in the answer that allegations to this effect were previously made but after the Manager had personally warned the tenants and the collecting staff, no further complaints have been received.

**Mr. P. BANERJI:** With reference to answer (*a*)(*iii*), (*iv*) and (*vi*) to (*viii*), will the Hon'ble Minister be pleased to state the basis of his negative reply when the matter is under enquiry?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Yes, on these points, Government have got full information. The matter is under enquiry with regard to the allegations referred to in (*a*)(*i*).

**Mr. P. BANERJI:** Will the Hon'ble Minister be pleased to state whether the allegations referred to and to which answer has been given, are the allegations made by Babu Kartic Chandra Mandal on the 18th of March to the Collector and the Commissioner of the Division?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I ask for notice.

**Mr. P. BANERJI:** With reference to answer (*a*)(*ix*), (*x*) and (*b*) and (*c*), will the Hon'ble Minister be pleased to state, after the Manager had enquired into the matter, at whose instance a further enquiry by the Wards' Deputy Collector was being made?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** At the instance of the Collector.

**Mr. P. BANERJI:** Will the Hon'ble Minister be pleased to state if it is on the basis of the application that was made by Babu Kartic Chandra Mondal on the 13th March or of the previous application made by other tenants?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** As I have already stated, no allegations were received after the first allegations referred to in (*a*)(*i*) and since the Manager warned the tenants and the collecting staff, no further allegations have been received. So the enquiries that are being made are with reference to that allegation.

**Mr. P. BANERJI:** Will the Hon'ble Minister be pleased to state if it was before the 13th March or after that date?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I ask for notice.

### Distress in Northern Bakarganj.

***527. SJ. NARENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that acute distress is prevailing in Northern Bakarganj;

(*ii*) that a number of families are on the verge of starvation to death;

(*iii*) that the family of six members of one Sitanath De of village Adhuna, police-station Gaurnadi, have been starving for a long time;

(*iv*) that their lives, anyhow are being sustained by occasional help from generous co-villagers or the village relief committee;

(*v*) that this supply of food is not adequate for sustaining the family for a long time;

(*vi*) that already a young girl of five has succumbed to death on account of starvation on the 1st *Baisakh*, 1346 B.S., and

(*vii*) that the Subdivisional Officer has been informed of the death as well as of the precarious condition of the surviving members of this family by the Secretary, Adhun Relief Committee; but

(*viii*) that no action has yet been taken?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability—

(*i*) of inquiring into the matter; and

(*ii*) taking immediate steps in the matter and other deserving cases?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** (*a*) (*i*) Yes.

(*ii*) and (*iii*) No.

(*iv*) and (*v*) Such relief as is required is given by neighbours and the local relief committee.

(*vi*) One of Sitanath's daughters died recently. It appears on enquiry that she was rickety and was suffering from diarrhœa and other ailments. Her death was not due to starvation.

(*vii*) Yes.

(*viii*) On May 4th the Subdivisional Officer sent Rs. 2 for the family and deposited Rs. 5 with the Committee. He also saw Sitanath De on the 13th May and ascertained that he had not then spent the whole sum of Rs. 2. Although Sitanath De is an able-bodied man he has not attended test relief works of which there are two centres within 4 to 5 miles of his house.

(*b*) Does not arise.

**Mr. ABDUL WAHAB KHAN:** Will the Hon'ble Minister be pleased to state whether owing to the rains this test relief work has had to be abandoned for the present?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Yes, Sir, in some cases.

**Mr. ABDUL WAHAB KHAN:** Will the Hon'ble Minister be pleased to state whether a month's time or more will be necessary for the harvesting of the *aus* and jute crops?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Yes; about that time.

**Mr. ABDUL WAHAB KHAN:** Will the Hon'ble Minister be pleased to state whether Government contemplate taking any step for relieving by gratuitous loan or otherwise the flood-stricken people during this time?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Most of the agriculturists are now engaged in sowing and Government do not consider that it will be necessary to relieve a very large number of people by granting gratuitous relief, but as regards those who are unable to work on the field, Government will certainly help them with gratuitous relief.

**Sj. NARENDRA NATH DAS GUPTA:** Is the Hon'ble Minister aware that the Secretary of the Local Relief Committee sent a letter to the Subdivisional Officer stating that a number of families was starving including that of Sitanath De?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sitanath De received help from time to time from the local relief committee and it is very clear that his family received help immediately before the death of that girl and immediately after her death.

**SJ. NARENDRA NATH DAS GUPTA:** Is the Hon'ble Minister aware that the Secretary of the local relief committee had stated in his letter to the Subdivisional Officer that many families together with the family of Sitanath De had been starving and the local relief committee was unable to cope with the situation?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** No. We have no information.

**SJ. NARENDRA NATH DAS GUPTA:** Will the Hon'ble Minister be pleased to state that if that family had not been starving why the Subdivisional Officer helped them with money?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Certainly they were in need of help, but that does not necessarily mean starvation.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to enlighten us what was the nature of the test relief work which the poor Sitanath De being an able-bodied person did not attend to?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** The nature of the test relief work is practically the same all over Bengal and the test relief work of this district was not of a particular nature.

**Mr. ATUL KRISHNA GHOSE:** Is the Hon'ble Minister aware of the fact that there are middle-class gentlemen who, in spite of their starving conditions, cannot by nature and tradition attend to the road construction or similar test relief work, and is it not a fact that it is for this reason Sitanath De did not attend to this sort of relief work?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** It may be so, Sir. That is why he was given gratuitous relief.

**Mr. ATUL KRISHNA GHOSE:** To the extent of Rs. 2 for a family consisting of 6 members!

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** There were 15 entries in the book of the local relief committee. So on 15 occasions from time to time his family received help.

**Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister be pleased to enlighten us what was the total amount of money received up till now by Sitanath De taking the various instalments into account?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Sir, it is not possible for me to answer, what was the total amount, but on several occasions rice doles were given. In this connection I would like to mention that while Government were trying to do their best to help the people in distress, they regret that the neighbours were not doing anything to help their neighbours in distress as they should have done. I hope the House will realise that it is impossible for Government to give adequate help to each and every person in distress and especially in the exact moment when the help may be necessary. Certainly while Government have got their duty to the people of the country, I hope it will not be denied that the people of the country also have got their duty to their neighbours in distress, but I regret to observe that in most of the cases that duty is not being properly fulfilled

**Relief work in Gaibandha subdivision, Rangpur.**

***528. Maulvi ABU HOSSAIN SARKAR:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that test relief work in the Gaibandha subdivision, district Rangpur, has suddenly been stopped?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason therefor?

(*c*) Is the Hon'ble Minister aware that thousands of workers are now on the point of starvation?

(*d*) If the answer to (*c*) is in the affirmative, is the Hon'ble Minister considering the desirability of renewing the said test relief work without delay?

(*e*) Will the Hon'ble Minister be pleased to state separately what amount, if any, has up to date been spent for agricultural loan, test relief work and gratuitous relief in the said subdivision?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** (*a*) No. The test work in the Gaibandha subdivision has not been stopped.

(*b*) and (*d*) Do not arise.

(*c*) No case of starvation has been reported.

(*e*) Agricultural loans—Rs. 71,500.

Gratuitous relief—Rs. 2,000.

Test relief—Rs. 57,200.

**Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister be pleased to tell us whether the test relief work was suspended temporarily at any time?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** No, Sir. It was not suspended. This much I know that there was a quarrel between the officer in charge of the test relief work and the people who came to work at the centre and probably it was suspended for 24 hours on one occasion.

**Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister be pleased to state whether the cause of temporary suspension was the misconduct of the officer who was in charge of the test relief work?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** No, Sir. Government have no information on that point. On the other hand, Government are satisfied that the officers both of Government and of the district board have been doing their best to help the test relief work.

**Mr. NIKUNJA BEHARI MAITI:** Will the Hon'ble Minister be pleased to state the amount of wages paid to daily labourers there?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** There is no fixity of wages. It varies from place to place.

**Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister be pleased to state if it is a fact that the officer in charge of the test relief work connected with the District Board entered greater number of names in the list than was actually employed in the test relief work?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Government have no information on this point.

**Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister be pleased to enquire into the matter?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Yes, Sir.

**Mr. NIKUNJA BEHARI MAITI:** Will the Hon'ble Minister be pleased to state what is the highest amount of daily wages and what is the lowest amount of daily wages per head?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Usually the policy of Government is to see that a man earns at least annas 3 per day and in some cases I know the earnings went up to six annas.

**Mr. ATUL KRISHNA GHOSE:** In view of the reply given by the Hon'ble Minister will he consider the desirability of finding out some other avenues besides the easy-going way of test relief work which may not be attended to by the people of different avocations? The avenues should be such that it would be feasible for people of different avocations to attend.

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** The question is very vague.

**Mr. ATUL KRISHNA GHOSE:** I am making it very clear.

**Mr. RASIK LAL BISWAS:** মন্ত্রীমহাশয় দয়া করে জানাবেন কি এই টেষ্ট রিলিফের জন্য যে মাটি কাটার কাজ দেওয়া হয় তাতে পারিশ্রমিকের রেট্ কত থাকে ?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** I cannot give the rates off-hand. Government ensure that at least three annas per day is earned by each person

**Mr. RASIK LAL BISWAS:** আমি যদি বলি daily ছয় পয়সার বেশী কোন লোকই পায় না, সে কথার প্রতিবাদ করার মন্ত্রীমহাশয়ের কিছু আছে কি ?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** Yes; I have got information from all over the province and Government are satisfied and are in a position to contradict any such statement by the honourable member.

**Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister be pleased to state what was the amount requisitioned by the local officer for gratuitous relief?

**Mr. SPEAKER:** That question does not arise here.

**Maulvi ABU HOSSAIN SARKAR:** That question does arise, Sir. We find from the answer that Rs. 2,000 was only granted for gratuitous relief. My question is what was the amount requisitioned by the local officer.

**Mr. SPEAKER:** You have asked as to what was the amount.

**Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister be pleased to state if Rs. 2,000 was the only amount requisitioned by the local officer for gratuitous relief?

**The Hon'ble Sir BIJOY SINGH ROY:** Requisitions are made by the Collector for the whole of the district and here the question relates only to a subdivision.

**Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister be pleased to state how this Rs. 2,000 was allotted to that subdivision?

**The Hon'ble Sir BIJOY PRASAD SINGH ROY:** By the Collector on information received from the Subdivisional Officer of that subdivision.

## UNSTARRED QUESTION

**(to which answer was laid on the table)**

### Bridge over river Marasati in Rangpur district.

**260. Mr. JATINDRA NATH CHAKRABARTY:** (*a*) With reference to the reply given to starred question No. 503 of 8th April, 1938, regarding the bridge over river Marasati in Rangpur district will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether the Railway Company has submitted their report?

(*b*) If the answer to (*a*) is in the affirmative will the Hon'ble Minister be pleased to state—

(*i*) why this work is being delayed;

(*ii*) how long the matter is likely to remain under consideration of the Irrigation Department;

(*iii*) whether the work is likely to be taken up very soon; and

(*iv*) if so, when it is likely to be finished?

**MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srishchandra Nandy, of Cossimbazar):** (*a*) Yes.

(*b*) It has been found necessary to make a further reference to the Railway Company, and I cannot say at present when any decision in the matter is likely to be arrived at.

*Statement laid on the table in pursuance of the observation made by the Hon'ble Finance Minister in reply to question No. 58 (starred) put on 22nd February, 1939, by Mr. Serajul Islam, to the effect that the information would be placed before the House as soon as possible.*

Number of total appointments—

| | | | |
|---|---|---|---|
| 1937 | ... | ... | 608 |
| 1938 | ... | ... | 874 |

Number of direct recruits—

| | | | |
|---|---|---|---|
| 1937 | ... | ... | 451 |
| 1938 | ... | ... | 645 |

Number of promoted persons—

| | | | |
|---|---|---|---|
| 1937 | ... | ... | 157 |
| 1938 | ... | ... | 229 |

Distribution of appointments district by district—

| | | | |
|---|---|---|---|
| Calcutta | ... | ... | 84 |
| 24-Parganas | ... | ... | 53 |
| Jessore | ... | ... | 35 |
| Khulna | ... | ... | 35 |
| Nadia | ... | ... | 25 |
| Murshidabad | ... | ... | 28 |
| Burdwan | ... | ... | 107 |
| Birbhum | ... | ... | 18 |
| Bankura | ... | ... | 9 |
| Hooghly | ... | ... | 20 |
| Howrah | ... | ... | 17 |
| Midnapore | ... | ... | 6 |
| Dacca | ... | ... | 127 |
| Mymensingh | ... | ... | 44 |
| Faridpur | ... | ... | 47 |
| Bakarganj | ... | ... | 66 |
| Rajshahi | ... | ... | 15 |
| Malda | ... | ... | 11 |
| Pabna | ... | ... | 32 |

| | |
|---|---|
| Bogra ... ... ... | 7 |
| Rangpur ... ... ... | 13 |
| Dinajpur ... ... ... | 11 |
| Jalpaiguri ... ... ... | 7 |
| Darjeeling ... ... ... | 12 |
| Chittagong ... ... ... | 66 |
| Chittagong Hill Tracts ... ... | 6 |
| Noakhali ... ... ... | 43 |
| Tippera ... ... ... | 54 |
| Others ... ... ... | 98 |

Distribution by communities—

| | |
|---|---|
| Caste Hindus .. ... ... | 451 |
| Scheduled Castes .. ... ... | 93 |
| Muslims .. ... ... | 537 |
| Other communities .. ... ... | 15 |

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state what was the report given by the railway in this connection?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** Sir, it is difficult to say offhand what the report contains. We are in correspondence with the authorities of the particular Railway and we are trying to see that they make the necessary provisions for the waterway referred to in the question according to the direction of our experts.

**Dr. NALINAKSHA SANYAL:** In answer (*a*), it is stated that the report of the Railway referred to in a previous answer has been received. My question was what was that report in reply to which the Hon'ble Minister now says "it is difficult to say." May we know if we are entitled to have that report?

**Mr. SPEAKER:** Ask first whether hon'ble members can be supplied with copies?

**Dr. NALINAKSHA SANYAL:** I shall be satisfied if a gist of that report is given. Is it possible for the Hon'ble Minister to give us the remotest idea of the nature of that report?

**Mr. SPEAKER:** Not far-fetched!

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** As I have stated just now, the report is in the shape of a correspondence with the said Railway. They, I believe, have raised certain objections to our demand, and we have replied to them meeting their objections and asking them to act up to the advice of our technical advisers.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if it is a fact that the Railway have recently surveyed the area and that the officers of the Railway who were deputed for the survey work have, in consultation with the officers of the Irrigation Department and the local officers, prepared a scheme and submitted it to Government?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** It is true that the Railway surveyed the area in question, but unfortunately there is still a difference of opinion as to the measures which should be adopted to improve the drainage of the locality between the experts of the Railway and the experts of Government

**Dr. NALINAKSHA SANYAL:** Is the Hon'ble Minister aware that a very large tract of land is now rapidly getting inundated due to the *bund* near the Railway bridge constructed by the Railway in order to protect the small opening of the bridge that is there now?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** I am afraid it is difficult for me to say offhand what has been the effect of the *bund* referred to and if it has been erected for the protection of the culvert. But as I have stated already, we are trying to see that the Railways carry out the scheme in accordance with the advice which the experts of Government have given If necessary, we may have to take recourse to section 11 (3) (*b*) of the Indian Railways Act as amended by the Adaptation Order of 1937.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if he is aware that there is a danger of a large amount of crops being destroyed this year if immediate and early action is not taken in maintaining a larger opening?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** Sir, it seems the hon'ble member is fully acquainted with the Railway report and their point of view in this case. We as a department are not responsible for any delay in this direction. The Railway are objecting to our proposals on various pretexts and thereby delaying matters. One of their grounds of objection is that the scheme, if undertaken, in accordance with the direction of Government, will inundate a large tract of land. But that is not the view of our experts.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state the date on which the last letter from the Government of Bengal was addressed to the Railway on this matter?

**The Hon'ble Maharaja SRISCHANDRA NANDY, of Cossimbazar:** 22nd June, 1939.

**Supplementaries to Starred Question No. 524, replied to on 27th June, 1939.**

**Dr. NALINAKSHA SANYAL:** There is a question held over from yesterday on which, the Hon'ble the Chief Minister being absent supplementary questions could not be put.

**Mr. SPEAKER:** You may ask supplementary questions.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble the Chief Minister be pleased to state, with reference to answer (*a*) "yes" regarding reservation, what principle was followed in reserving 25 per cent. of seats in the Government Commercial Institute? Was it on population basis or otherwise?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** The percentage was fixed some time ago and I think a similar percentage has been fixed in the Engineering College and other Technical Institutions. The idea in fixing a percentage is to make it possible for the students to come and if there is an overflow, the percentage will be increased.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if any Moslem candidate seeking admission into the Government Commercial Institute has been refused on the ground that the requisite number of students at the Government Commercial Institute has been reached?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** I am not aware, but I have not received any complaints.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if it is a fact that there has been no case of Moslem applicants coming up even near 20 per cent. of the total admissions of the school in any particular year?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** As I have said I have no information either way, but I expect that the number will go up every year.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if there are no applications to the extent of 25 per cent. for admission into that school, whether Government will consider the desirability of doing away with the reservation?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** It is not necessary. If a sufficient number of Muslims do not come up, the vacancies go to non-Muslims.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if it is a fact that in trying to force the admissions up to the number desired by Government, undesirable applicants have got to be accommodated?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** No, Sir, that is not a fact. So far as that point is concerned, the Principal has always taken the utmost care to select suitable candidates and not anybody that comes.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if it is a fact that a very large number of candidates or their parents do not read the *Statesman*?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Sir, in the first place, advertisements are made both in the *Statesman* and in the *Amrita Bazar Patrika* which is widely read. As a matter of fact, apart from advertisements, the time of reopening of all these colleges is practically well known. Everybody knows when the colleges reopen after the vacation. So, much does not depend upon advertisements that are made in the newspapers.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if the date of admission is announced as stated in answer (*c*) or if the date within which applications should be made is advertised?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** As to that point, I cannot say, but I think that the date of admission is generally meant to be the date within which admission has got to be made.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to read the answer and state the reasons for announcing the date of admission? What useful purpose is served thereby?

**The Hon'ble Mr. A. K. FAZLUL HUQ:** As I said, it is a matter of detail. I have not read the advertisements. If it is the date within which admission is to be made——

**Dr. NALINAKSHA SANYAL:** "Within which" is not there.

**The Hon'ble Mr. A. K. FAZLUL HUQ:** Or the final date on which the college will reopen——

**Dr. NALINAKSHA SANYAL:** The answer is "The date of admission is announced....."

**The Hon'ble Mr. A. K. FAZLUL HUQ:** "The date of admission" was put in the question and that is how it is answered.

**Mr. PROMATHA RANJAN THAKUR:** Will the Hon'ble Minister be pleased to state whether similar reservations have been made for other communities?

**Mr. SPEAKER:** That question does not arise.

**Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister be pleased to state if all the students are admitted on a particular date or whether there are different dates on which admissions are made?

**Mr. SPEAKER:** I think, Dr. Sanyal, being a University man, you know very well as to the way in which these things are done. It is a matter in which you will consider the question as to whether you are satisfied with the answer. I would ask you to put yourself to that test.

**Permission to put Supplementary Questions on a Statement.**

**Mr. NIKUNJA BEHARI MAITI:** Sir, in answer to question No. 58, a statement has been supplied by the Hon'ble the Finance Minister. It is in the fitness of things that you will allow us to ask supplementary questions.

**Mr. SPEAKER:** No, I cannot do that.

**Short-notice questions.**

**Mr. SYED JALALUDDIN HASHEMY:** Mr. Speaker, Sir, I want to know whether the Local Self-Government Department is in a position to give replies to my short-notice question to-day.

**Mr. SPEAKER:** I can say, Mr. Hashemy, that those points which you require to be answered were received late last night, when in order to place the printed copy of the Bengal Money-lenders Bill in the hands of the members, our office worked till midnight. This morning it was taken notice of and was immediately sent on to the Hon'ble Minister concerned. But I have got to be certain about its admissibility, and it has been taken up in office, but at the same time we have also sent an urgent message to the department concerned.

**Mr. SYED JALALUDDIN HASHEMY:** May I expect, when we next meet, that the Hon'ble Minister will be able to give a reply?

**Mr. SPEAKER:** I hope so.

**Dr. NALINAKSHA SANYAL:** May I draw your attention, Sir, to the short-notice question of Babu Nagendra Nath Sen put to the Hon'ble Minister for Commerce and Labour. I am afraid we have received no reply nor any indication as to whether he is prepared to make a reply.

**Mr. SPEAKER:** I will make an enquiry because my Secretary tells me that the file is with me, although I am almost certain that it is not with me. So, I think for the time being we are between the devil and the deep sea. (Laughter.) I shall, however, make enquiries.

## Message from the Bengal Legislative Council.

Mr. Secretary read the following message received from the Secretary, Bengal Legislative Council:—

"The Calcutta Municipal (Amendment) Bill, 1939, has been passed by the Council with amendments at its meeting held to-day, the 28th June, 1939, and that the concurrence of the Assembly has been asked to the amendments shown *in loco* in the Bill which has been placed in the hands of the members to-day."

## Supply of copies of the Bengal Money-lenders' Bill.

**Mr. SPEAKER:** I hope the honourable members have got copies of the Bengal Money-lenders' Bill, 1939, published this morning.

## GOVERNMENT BILLS.

### The Calcutta and Suburban Police (Amendment) Bill, 1939, as passed by the Bengal Legislative Council.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Sir, I beg to move that the Calcutta and Suburban Police (Amendment) Bill, 1939, as passed by the Council, be taken into consideration.

Sir, I would like to explain to the House that the reason why Government had to introduce this Bill is the fact that some of the organisers of public meetings started a new practice of differentiation between the fees charged for admission to these meetings from the general public and the police; and the result of this practice has been that in some of the meetings Government had to pay as much as 150 to 300 rupees for the admission of police officers and reporters to take down the speeches of the speakers. This is the only reason why Government had to bring this Bill in, because Government felt that unless they introduced some form of legal right for the admission of the police, it would be possible in future by increasing this fee or by charging this high fee to keep the police out of these public meetings.

Now, Sir, I would like at the outset to make it clear that Government do not want to enforce the provisions of this Bill, nor do they want to enforce the powers which they possess under the Prevention of Seditious Meetings Act of 1911, because they feel that if it is sufficiently known that Government have the right to see that police officers can attend these public meetings without having to pay any fees, then this discrimination will not be made. And if any discrimination is not made, there is no necessity whatsoever for enforcing the Act——

**Maulvi ABU HOSSAIN SARKAR:** The police must pay the prescribed fee.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Government will have no objection to the police paying the same fee as is charged from the general public.

**Dr. NALINAKSHA SANYAL:** But unfortunately the general public do not require any table and chair or any other special arrangement. If the police would be prepared to sit at the back with the general public without taking any notes and having other special arrangements, that will be a different thing.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** So far it has never been the practice to charge for these special seats. I think it is not

possible for the police to sit right at the back and take proper notes of the meeting; and it had never been so in the past. This is a practice which has sprung only after 1938. Even as long ago as December, 1938, as far as Calcutta and the suburban areas were concerned, this discrimination was never made, and I am certain that also in other parts of Bengal this discrimination was not made till the Bengal Public Security Act lapsed.

**Dr. NALINAKSHA SANYAL:** Why do you take this to be a discrimination? This is fee for a special seat.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I do not accept the proposition that has been put forward, because at certain meetings so much as Rs. 25 per head has been charged from the police officers. It was not for special facilities given but it was deliberately a case of special discrimination. In certain places—I think at a meeting at Bankura—the police had to pay as much as Rs. 400 for attendance there of four of their men——(Dr. NALINAKSHA SANYAL: Very good.) ——That is the position. Actually the position had come to this that practically the entire expense of organising and holding a meeting was being paid for by Government——(Dr. SURESH CHANDRA BANERJEE: তাতে অন্যায় কি? )——So far as it existed, certainly it was an ingenuous method, but I would ask the Legislature to kindly look at it now from the point of view of Government and to recognise the fact that it is absolutely essential that Government should be in a position to send reporters to take down the proceedings of the meetings. This, as you are aware, has been now the accepted practice in all the provinces in India, and even those provinces which passed orders that the police should not attend meetings and take down the report of speeches had to revise those orders; and I do not think there is any province at the present time in India where the necessity of attending the meetings and taking down notes of speeches is not felt ——Therefore, Sir, this practice which has——(Dr. NALINAKSHA SANYAL: What about Orissa?) I think that is true of every province without any distinction. Of course, I cannot say definitely about Orissa, but I know that in those provinces where they had passed definite orders before, they had to revise the orders. (Dr. NALINAKSHA SANYAL: Even in provinces like the United Provinces and Bihar?) No, Sir. In Bihar the police are taking down speeches at meetings, although in that province the question of communal riots does not arise at all. It is the definite policy of the Bihar Government to send reporters to take down speeches at meetings organised by the Kisan Sabhas. (Maulvi ABU HOSSAIN SARKAR: Is it your policy also?) I shall tell you presently what my policy is. (Rai HARENDRA NATH CHAUDHURI: What about the common front?)

**Mr. SPEAKER:** I hope honourable members want to go home early to-day. (Laughter.)

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Sir, I feel that if honourable members exhaust themselves by this sort of questions, they will not move their amendments if they are satisfied on all the points that they raise, and that there will be no necessity for moving their amendments. (Laughter.) (Dr. SURESH CHANDRA BANERJEE: Will you accept our suggestions?) I may point out, Sir, that Government have gone a long way in meeting the wishes of the Opposition. Owing to a snap division that was carried in the other House, one of the most important——

**Dr. NALINAKSHA SANYAL:** Sir, is the term "snap division" parliamentary?

**Mr. SPEAKER:** Yes, the expression "snap division" is very parliamentary. You may remember that Lord Rosebery was defeated on that.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** As I was saying, Sir, one of the most important clauses has now been eliminated. That was an explanation which Government consider very material so far as this Bill is concerned, but Government decided not to press for it and not to move an amendment for reintroducing the Bill, because they feel that here is an opportunity for all of us not to have any occasion for enforcing this Bill. I may point out to you, Sir, what will happen in case our hands are forced. As you know very well, this Bill concerns only Calcutta and the suburbs, but as far as the rest of Bengal is concerned, we have on the statute book, though not in force, the Seditious Meetings Act of 1911 which empowers Government to notify any area and afterwards they have got the right to send the police to take down the proceedings of the meetings in that area. The difficulty is that Government, instead of amending the Police Act, could have amended this Act. But the Seditious Meetings Act is one of those Acts where if its provisions are enforced it will cause very great hardship. (Mr. NIKUNJA BEHARI MAITI: How many districts are just now notified?) Not a single district. In fact, the Act of 1911 has never been enforced at all. (Rai HARENDRA NATH CHAUDHURI: Excepting only one chapter!)

**Mr. NIKUNJA BEHARI MAITI:** Is the Hon'ble Minister aware that even now in the Midnapur district police officers attend meetings?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** That is what I was going to say. We want the police to attend meetings; we want them

to take down the speeches; and we do not want them to be prevented from doing so. The present policy of Government is that all organisations and propaganda should be constitutional. So, the presence of the police reporters will not make any difference, and as far as we are concerned, we do not want you to say things which will lead Government to take action on wrong reports. We want to have certified and authentic copies of reports of what is being said—(Dr. NALINAKSHA SANYAL: Who do you mean by "you"? Do you include the members of the Coalition party?) Sir, I mean all those who are afraid of saying in public meetings what they say here. (Laughter.) (Dr. NALINAKSHA SANYAL: Is it only those persons who are afraid of Government or those who are being given a long rope by Government?) Sir, there is no question of giving a long rope to anybody so far as Government is concerned. Everybody is treated alike.

**Mr. NIKUNJA BEHARI MAITI:** If there is a big meeting held at a place for irrigational purposes, will the Hon'ble Minister send there an Irrigation officer or a police officer?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Sir, I am sorry the honourable member has not been able to follow what I have been saying. The whole object of this Bill is that where Government consider that a meeting is being held where speeches are going to be delivered which are likely to violate the law, there Government should have the right to send police officers to report speeches. (Dr. NALINAKSHA SANYAL: Not sedition only—violating any law?) Well, Sir, as far as this Bill is concerned, it is confined only to sedition and disaffection.

**Babu NARENDRA NARAYAN CHAKRABARTY:** You admit that there are many overzealous officers who try to have promotions by submitting exaggerated reports?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Sir, I do not accept anything of the kind. I am certain that it will not help the honourable member, or those who organise meetings, to exclude the police from the meetings. The chances of spotting wrong reports are much more from the recognised officers than from unrecognised officers. So, in the interest of the honourable member himself, I would point out to him, that he would be much more happy if he knew that A, B and C were present and that they were the men who took down the speeches and not somebody who was not known to him about whom the organisers of the meeting were not sure whether he attended the meeting, and who submitted some kind of a report appearing as a member of the general public.

**Mr. JOGESH CHANDRA GUPTA:** Sir, having regard to the High Court Full Bench ruling that anything said against the Ministers did not come within the meaning of "sedition", will the Hon'ble Minister think of dropping this Bill? (Laughter.)

**The Hon'ble Khwaja Sir NAZIMUDDIN:** As far as the Ministers are concerned, honourable members can abuse them as much as they like. (Laughter.) The High Court has given them absolute freedom in the matter. I submit, Sir, that this Bill does not protect the Ministers at all. They are impervious to these things if one may say that.

**Mr. SPEAKER:** I hope you will not bring in a Ministerial Protection Bill? (Laughter.)

**The Hon'ble Khwaja Sir NAZIMUDDIN:** No, Sir. (Renewed laughter.) Now, Sir, I feel that as we have got the House in such a good mood honourable members will not press their amendments after my speech. The reason, Sir, why Government have been compelled to bring this Bill is this. (Maulvi ABU HOSSAIN SARKAR: What about my point? I asked the Hon'ble Minister to reply to my question. My question was whether like the Bihar Government this Government also intends to get reports of speeches in Kisan meetings.) Sir, we are not like the Bihar Government going in only for Kisans. We make no discrimination. Wherever we think that there is going to be speeches made, which are likely to cause sedition or spread disaffection, we feel that the police should attend the meeting. We are not only against the Kisans like the Bihar Government. Whenever there is any apprehension that speeches will be delivered, which are going to be of a seditious character or are going to spread disaffection——(Dr. NALINAKSHA SANYAL: What about section 153A?) We are going to send reporters at all meetings where there is any likelihood of sedition or spread of disaffection. Sir, I want to point out that on one occasion we had to pay Rs. 50, on another occasion Rs. 30 and on another Rs. 5. As far as the mufassil areas were concerned, it was much worse. There is just one thing to which I should like to refer before I go to the mufassil areas. I want to make a correction. I made a statement in the other House which is not absolutely correct and I want to remove that misunderstanding. I said, as far as Calcutta was concerned owing to the Bengal Public Security Act being enforced for 8 years, the police had power to send reporters to meetings and there was no case of complaint. Actually, the Public Security Act was enforced from 1936 and it was only for two years that it was in force during that time the police had this right and there was no case of complaint. So these points were pertinent as along as the original explanation existed in the

Bill that was introduced in the other House. Owing to the omission of the explanation, since the apprehension of abuse is being removed, the Bill has now become practically harmless, if I may say so. But I do want to convey through this House the idea that if this practice is not discontinued, Government may have to bring in much more——

**Dr. NALINAKSHA SANYAL:** Are you holding out a threat?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** There is no question of threat at all. I have been very careful in all the language that is being used. You have got to meet the situation that may arise. Now, there was a meeting at a district peasants' conference at Bakarganj where Rs. 10 each was charged——

**Dr. NALINAKSHA SANYAL:** How many attended?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** The number of tickets purchased for police officers was three. The public were charged only two annas each.

Then there was a meeting of the district peasants' conference at Howrah. Rs. 5 each had to be paid for 3 police officers and two inspectors, and the total amount spent was Rs. 25. This is a very bad case. At the Provincial Congress Conference at Jalpaiguri Rs. 25 each had to be paid for police officers and reporters and the total amount spent was Rs. 254——

**Dr. NALINAKSHA SANYAL:** May I know what was the amount required to be paid by Reception Committee members and visitors who occupied the first row? I think they had also to pay Rs. 25 each.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I doubt very much. Again, at the district political conference at Malda, 4 tickets had to be purchased at Rs. 25 each and two at Rs. 15 each and the total amount spent was Rs. 130. Then there was a conference at the Town Hall at Tippera and the authorities demanded Rs. 25 from each police officer, and later on it was reduced to Rs. 15. Last of all, there was the Bengal Provincial Political Conference at Bankura which cost us altogether about Rs. 400. This is the position. I am sure——

**Dr. NALINAKSHA SANYAL:** As against that you have to remember that police officers enter meetings by force and even subdivisional officers claim to have the right to enter meetings by force and stay there as long as they like.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I think, they should have this right. There is no question of force. Authorised officers of Government should have the right to attend public meetings, and I am sure that has been the practice in the past and it should be the practice now. I hope honourable members will allow this Bill to go through without moving any amendment.

The motion of the Hon'ble Khwaja Sir Nazimuddin that the Calcutta and Suburban Police (Amendment) Bill, 1939, as passed by the Council, be taken into consideration, was then put and agreed to.

*Clause 1.*

The question that clause 1 stand part of the Bill was then put and agreed to.

*Clause 2.*

**Dr. SURESH CHANDRA BANERJEE:** I beg to move that in clause 2, proposed section 62D, in line 2, after the words "in writing" the words "which shall be conveyed to the parties concerned at least six hours before the declared time for the holding of the meeting" be inserted.

**Mr. NIKUNJA BEHARI MAITI:** I beg to move that in clause 2, proposed section 62D, line 5, for the words "Head Constable" the words "Sub-Inspector of Police" be substituted.

**Mr. J. W. CHIPPENDALE:** I beg to move that in clause 2, proposed section 62D, line 5, for the word "or" the words "and/or" be substituted.

**Rai HARENDRA NATH CHAUDHURI:** I beg to move that in clause 2, proposed section 62D, lines 5 and 6, for the words "other persons" be omitted.

**Dr. SURESH CHANDRA BANERJEE:** I beg to move that in clause 2, proposed section 62D, lines 5 and 6, for the words "other persons" the words "Government reporters" be substituted.

I beg further to move that in clause 2, proposed section 62D, in line 7, after the words "public meeting" the words "in which admission is not by tickets" be inserted.

Mr. Speaker, Sir, আমার প্রথম সংশোধনে বলা হয়েছে যে ৮ ঘণ্টা আগে সভার যারা সংগঠনকর্তা তাদের সংবাদ দেওয়া দরকার। আমরা সর্বদা কলিকাতায় meeting করি। আমরা বারি বার দেখেছি যে একভাবে meeting এর টেবিল চেয়ার

জানানো হয়ে সভার কাজ সুরু হয়েছে এমন সময় হঠাৎ পুলিশ এসে উপস্থিত হয়, এবং সব চেয়ে ভালো জায়গায় বসবার দাবি করে। এই অসুবিধা আমাদের প্রায়ই ভোগ কোরতে হয়। এজন্য আমার এই সংশোধনের উদ্দেশ্যে এই যে সভার যারা উদ্যোক্তা তাদের যেন অন্তত আগে খবর দেওয়া দরকার। আমি আশা করি মাননীয় মন্ত্রীমহাশয় এই ন্যায়সঙ্গত প্রস্তাব মেনে নেবেন।

আমার দ্বিতীয় সংশোধন হোচ্ছে হেড্ কনেষ্টবলের বদলে একজন Sub-Inspector থাকার দরকার।

এখন পর্য্যন্ত যে আইন প্রচলিত, তাতে একজন সব-ইনস্পেক্টর থাকার দরকার। তার বদলে একজন হেড্ কনেষ্টবল রাখার কি উদ্দেশ্য তা আমরা বুঝতে পারছি না। সভায় যেই পুলিশ অফিসার উপস্থিত থাকেন, তাকে অনেক গুরুত্বপূর্ণ কাজ কোরতে হয়। হেড্ কনেষ্টবলদের বেশীর ভাগই লেখাপড়া জানেনা বা অল্পই জানে, আর তারা প্রায়ই বাঙ্গালী নয়। এজন্য মিটিং-এ তাদের পাঠালে অনেক বিপদ হোতে পারে। এই অবস্থায় মন্ত্রীমহাশয়ের বিবরের গুরুত্ব বুঝে আগে যে ব্যবস্থা ছিল তাই বজায় রাখা উচিত।

তারপর "other persons" এই শব্দ দুটীর জায়গায় আমার বক্তব্য এই যে "Government Reporters" বসানো হোক। সাধারণতঃ আমরা সভায় দেখি একজন Inspector ও তাঁর সাথে কয়েকজন Government Reporters উপস্থিত থাকেন। এটা সেই Reporter এর জায়গায় other persons রাখার প্রস্তাব কেন করা হচ্ছে কিছুই বুঝতে পারছিনে। Meeting এ অন্য কারোর চেয়ে রিপোর্টারের যাওয়াই দরকার বেশী, কেননা তার যাওয়ার উদ্দেশ্যই হোচ্ছে রিপোর্ট করা। তারপর other persons এই শব্দ দুটির মানে অস্পষ্ট। এই অস্পষ্টতার ভিতর দিয়ে অনেক বিপদ আসতে পারে। আমি আশা করি এই বিপজ্জনক পরিবর্ত্তন না কোরে বর্ত্তমানে যে ব্যবস্থা আছে—একজন Inspector ও কয়েকজন রিপোর্টার—এই ব্যবস্থাই যেন মন্ত্রীমহাশয় বজায় রাখবেন।

আমার আর একটী সংশোধন আছে— Clause 2 তে উল্লিখিত section 62D র ৭ম লাইনে "Public meeting" এর পর "in which admission is not by tickets" এই কথা কয়টি যোগ হবে। এই বিষয়টি Dr. নলিনাক্ষ সান্যাল ইতিপূর্বেই ভালরূপে বুঝিয়ে দিয়েছেন। মাননীয় মন্ত্রীমহাশয় সভা কিভাবে হয় জানেন কিনা সন্দেহ। যে সভায় কোন কোন seat এর জন্য ২৫৲ টাকা থাকে, সে মিটিং-এই আবার ১০৲ টাকা, ৫৲ টাকা, ২৲ টাকা, আট আনা, চার আনার seat এরও ব্যবস্থা থাকে। Police officer রা meeting এ সব সময়ই সকলের আগে best seat দখল করেন। তারা সকলের সামনে সব চেয়ে ভালো জায়গায় বোসে বিশেষ seat এর মূল্য দিবেন না, এ হতে পারে না। যেরূপ seat এ তারা বোসবেন তার উপযুক্ত মূল্য তাঁদের দেওয়া উচিত। Meeting এ সকলের অসুবিধা কোরে তারা সকলের আগে বোসবেন এবং দামের বেলায় দেবেন সব চেয়ে কম দাম, এটা অযৌক্তিক ও অসঙ্গত। সেইজন্য আমার এই সংশোধনী প্রস্তাব। আশা করি এটা সকলেই মেনে নেবেন।

**Mr. J. W. CHIPPENDALE:** Of these two amendments the first is the substitution of the word "sub-inspector of police" for the words "head constable". These amendments were tabled as a result of our experience. The object of this amendment is to save public money, the rate-payers' money. A question may be asked that if the Commissioner of Police is authorised in writing to depute one not below the rank of the head constable, and supposing he deputes a head constable,

what is the value of the evidence of this head constable. If we look further down the section we find that the offences as referred to are grave offences, namely, sedition and disaffection. Now, this being the case and the object of the section being to cause a report to be taken, I ask this question "what will be the value of the report submitted by the head constable or taken through his instrumentality?" Most of us have some experience of law courts either as Magistrates, Judges, lawyers or jurors. Supposing we are to pronounce judgment in a case, do you think for a moment that we would be able to rely upon the words of the head constable in an important matfer like this—in an important case of sedition or disaffection? Has he the capability of taking down the actual words that may be used by the speaker? Will he be able to understand the trend of the speech and reproduce it, so that the court can rely upon his statement and convict? Supposing even for a moment that the court in the first instance does it, will it stand in the appellate court? That is a very important question indeed. Of course I quite understand the difficulty of Government in getting admission, but that is not before us. The question before us is that the Commissioner can depute a head constable to go and cause an enquiry to be made or a report to be taken.

Then, on the other hand, take the case of a Sub-Inspector. Now a sub-inspector is certainly a man of some education and culture. He will be able to take down notes himself and speak what he has heard, and his evidence will carry weight. Therefore, this amendment is a necessary one,—necessary not in the interests of Government but in the interests of the rate-payers. What we want is this: when a prosecution is started it must end in conviction or at any rate there must be a great probability of ending in a conviction; and not simply pick up a case and try for conviction.

As regards the other amendment that I have proposed, namely, for the word "or" the words "and/or" be substituted, if the whole section is read we find that the Commissioner of Police may by order in writing do one or two things—either he can depute a head constable or other persons. He cannot depute anybody else. It must be either or/and. Now if he deputes a head constable, who is to do the reporting work? I take it that the object of this section is that there should be a true report. The head constable is not an authorised reporter or an unauthorised reporter. If you really want a true report, you must send a short-hand writer who is capable of taking down anything. That the Commissioner of Police cannot do. Either he must depute a head constable or he must depute other persons. I take it that by the words "other persons" may depute either a police shorthand writer or a private shorthand writer. Now supposing the head constable wants to take with him a shorthand writer to take down exactly what has been said, the convener of the meeting would be

justified in turning out the reporter, on the plea that he has the right of private defence. Therefore, this section is incomplete. The words "or other persons" are very vague and indefinite. They surely cannot mean that the Commissioner of Police can depute his orderly or even his *chaprasi* who may be literate. They must mean a person of some responsibility and I take it that the words "or other persons" really refer to a good shorthand writer. If they do not mean a stenographer, I do not understand what they mean. Therefore, I say the words "and/or" are absolutely necessary. If the Government do not want them let the words go. Nevertheless, I am pointing out that after all it is the money of the rate-payers that will be misused. It is absolutely necessary to complete the section and give the Commissioner of Police power to depute a stenographer along with the other persons. I submit that the word "or" ought to be substituted by the words "and/or".

**Mr. NIKUNJA BEHARI MAITI:** আমি প্রস্তাব কোরছি হেড্ কনেষ্টবলের জায়গায় সাব-ইনস্পেক্টর অফ পুলিশ পাঠানো হোক। আমি মন্ত্রীমহাশয়কে একটু মনোযোগ দিতে বোলছি। আমি হেড্কনেষ্টবলের জায়গায় সাব-ইনস্পেক্টর অফ পুলিশ কোরতে চাই কেন? চাই, তার কারণ, ঐসব কনেষ্টবলেরা সাধারণতঃ কোথা থেকে আসে? তারা বেশীর ভাগই পশ্চিমাঞ্চল থেকে আসে। সেইজন্য তারা এদেশের ভাষার সঙ্গে একেবারেই পরিচিত নয়। যদিও বা এক আধটুকু পরিচয় থাকে তা এত সামান্য যে তাতে কোরে কোন সভার কার্য্যবিবরণী সে ঠিকভাবে অনুসরণ কোরতে পারবে এটা কখনো আশা করা যেতে পারে না। মন্ত্রীমহাশয় কিছু পূর্ব্বেই বোলেছেন যে তাঁরা চান যে সভায় কি হোচ্ছে এবং সভার লোকেরা কি চায় সেইটার সত্যিকারের রিপ্লেটটা যাতে পাওয়া যায় সেইটেই তাঁদের উদ্দেশ্য। এইটাই যদি উদ্দেশ্য হয় তাহলে আমি নিশ্চয়ই মন্ত্রীমহাশয়ের কাছে নিঃসংশয়ে বোলতে পারি যে হেড্ কনেষ্টবলকে না পাঠিয়ে তার উপরের একজন কর্ম্মচারীকে পাঠালেই সে কাজটা ভালরকম সম্পন্ন হোতে পারে। অবশ্য খুব ভালরকম সুসম্পন্ন হোতে পারে অতটা বলা যায় না, তবে কিছু সম্পন্ন হবে—এটা নিঃসন্দেহে বলা যায়। কিন্তু পশ্চিম অঞ্চলের লোক—যারা প্রায় বাংলা ভাষা বোঝে না,—ইংরেজী ভাষাও বোঝে না তাদের পাঠিয়ে কোন লাভই হবে না। দ্বিতীয়তঃ কোনো মিটিং এর মধ্যে একটা বিষয় কতখানি বলা যেতে পারে এবং কতখানি বা বলা যেতে পারে না সে সম্বন্ধে হেড্ কনেষ্টবল মহাশয়ের কোন ধারণা আছে বোলে আমার বিশ্বাস হয় না। অর্থাৎ কতখানি বোল্লে আইনের ধারা থেকে অব্যাহতি পাওয়া যেতে পারে সে বিষয়ে হেড্ কনেষ্টবল মহাশয়ের কোন ধারণা নাই। অনেক সময় দেখা গেছে সভায় এক কথা বলা হয়—আর অন্য কথা লেখা হয়। অতএব যারা বাকি জন্ত, দেশের সঙ্গে যাদের পরিচয় নাই, দেশের সঙ্গে যাদের সম্পর্ক নাই, এবং এ দেশের প্রকৃত অধিবাসীদের সঙ্গে যাদের জানাশোনা নাই, এহেন লোকদের পাঠাবার প্রয়োজন আমি অন্ততঃ কিছুই দেখি না। যদি পাঠাতে হয় তবে সাব-ইনস্পেক্টর অব পুলিশের নীচের কোন কর্ম্মচারী পাঠানো উচিত নয়। তারপর আর একটা কথা হোচ্ছে এই যে ঐসব অবাঙ্গালী কনেষ্টবলরা এই কলকাতা সহরের উপরেই এমন একটা pose নেয় যে দেখে মনে হয় যেন তারাই হোচ্ছে His Majesty's representatives. কলকাতার উপরেই যখন এইরূপ, তখন মফস্বলের কথা নাই বা তুল্লাম। আমরা এখানে Sir Nazimuddin কে সর্ব্বদাই দেখ্‌তে পাই,—তাকে দেখে যতটা ভয় না পাই তার অনেক গুণ বেশী ভয় পাই তাদের দেখে।

কাজেই আমি বিনয়ের সঙ্গে তাঁকে বোলছি যে হেড্ কনেষ্টবলের বদলে তিনি পুলিস সাব-ইনস্পেক্টর করুন। যদিও ভোটের জোর মন্ত্রীমহাশয়ের পিছনে রয়েছে, তথাপি আমরা এ পক্ষ থেকে তাঁকে এই অনুরোধ কোরছি। তাছাড়া মিঃ চিপেনডেল যা বোলেছেন তাতে কোরেও আমার মনে হয় Sub-Inspector of Police পাঠানোই উচিত।

আর একটা কথা। মন্ত্রীমহাশয় ব্যবস্থাপক সভায় বোলেছেন যে যারা এখন Power এ আছেন, তারা ভবিষ্যতে Power এ নাও থাকতে পারেন, চাকা ঘুরে যেতে পারে। সেদিক্ থেকে এবং দূরদর্শিতার দিক্ থেকে দেখলে আমার মনে হয় Sub-Inspector of Policeই করা উচিত।

**Mr. DHIRENDRA NATH DATTA:** Are most of the head constables in Calcutta non-Bengalis?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Yes, at the present time.

**Mr. DHIRENDRA NATH DATTA:** Do most of them not know Bengali?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Wait till I reply.

**Rai HARENDRA NATH CHAUDHURI:** Mr. Speaker, Sir, it is not a little strange that it has dawned on the Home Minister of the autonamous Government of Bengal to amend two very old Acts on the lines of emergency measures. Honourable members, I hope, have seen that this Bill proposes to amend the Calcutta Police Act and the Suburban Police Act—Acts that are dated 1866. During the last 70 years or so, it was not considered necessary by any Home Member of the bureaucratic Government of the past to amend these two Acts in the way that they are now proposed to be amended by the Hon'ble Sir Nazimuddin. Sir, you will find provisions similar to those that have been made here in this Bill only, as I indicated before, in such emergency measures as the Indian Seditious Meetings Act or the Public Security Act. Now, Sir, the Hon'ble Home Minister has admitted a few minutes ago that the Indian Seditious Meetings Act does not require application to Bengal at the present moment. And Sir, so far as the Public Security Act is concerned that is also a dead measure. In view of these facts, I do not understand why the Home Minister in the present Government has come to consider it necessary to amend these two old Acts in the way proposed. The only justification, Sir, that he has held out in support of this measure is that the police have got to pay a large amount for purchasing tickets to attend such meetings. Now, Sir, are we going to relieve public fund simply by imposing taxes on some sections of the public? Will that be a desirable procedure? Even if that has been found to be necessary, I do not understand why the police desire to have so much privilege as to have

free tickets not only for themselves but also for any other persons they may choose. The Hon'ble Minister, of course, if he thinks that it is urgently necessary to relieve the Public Exchequer of the ticket monies that have to be paid for the police, may not insist that "other persons" also should get free admission. It has got to be admitted, Sir, that the denotation of the term "other persons" is too much wide. It is not at all limited in its sense. It may mean one or two or ten persons. It may mean any number of persons that the police may choose to take with them even to break up a public meeting. Sir, in that apprehension I propose that the words "other persons" should be deleted, if the Hon'ble Home Minister at all considers it necessary to have this Bill passed and not to drop it.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Sir, I find that the criticisms and the speeches have been very moderate and constructive, and I would have been very glad to accept one of these amendments, but my difficulty is that none of these amendments are of a really important character, and that the acceptance of any one of these amendments means going up to the other House for a second time for confirmation which only means unnecessary delay. Let me, Sir, deal with the criticisms one by one and try and explain why I cannot accept any one of these amendments.

First of all, there is an amendment No. 3(*f*) of Dr. Suresh Chandra Banerjee where he has suggested that notice must be given by the Commissioner of Police at least six hours before the declared time for the holding of the meeting. This is one of the amendments, Sir, which appears to be absolutely unpractical, because sometimes we may get notice of a meeting only one hour before or two hours before. The effect of it is that we cannot send anybody at all. Sometimes also, we may think that the meeting is absolutely innocuous, but it may happen that an hour or half an hour before information comes in that it is going to be a serious meeting where there are going to be important speeches made——(Dr. Suresh Chandra Banerjee: "Whenever possible" add করুণ না।) Yes, Sir, I can give an assurance that by executive instruction to the Commissioner of Police we shall try to give, as far as possible, information six hours before a meeting is held. In this way, Sir, I have, to a certain extent, met the point of Dr. Suresh Chandra Banerjee, and I hope he will be satisfied with that.

The next point is about the question of sending head-constables. Mr. Chippendale and some other members have raised this point. Sir, there is a practical difficulty about this. We have not got sufficient number of Sub-Inspectors to depute, and if we have got to send only Sub-Inspectors to the meetings on occasions when there are a large number of meetings held on the same day at different places, as it

frequently happens, we shall not be able to find men for this purpose But, Sir, the most important point on the merits of the whole question is that as far as taking action is concerned, as far as the likelihood of prosecution is concerned, no case of prosecution is ever undertaken until and unless Government have got proper reports of the speeches delivered, and they are generally either in shorthand or in long hand, and those reports are taken by Government reporters in Calcutta. So far as Calcutta is concerned and Calcutta area is concerned, whenever we take any action, that is to say, whenever we prosecute; it is always on the basis of proper reports and that is also the practice as far as the mufassil is concerned. So, I would like to point out that the apprehension of Mr. Chippendale and certain other members who have pressed for "Sub-Inspectors" in place of "head-constables," is not justified, for the simple reason that Government never take any action merely because the head-constable gives a report. The head-constable may be there for other purposes, but as far as reporting is concerned, it is done by proper reporters, especially in Calcutta area.

Then, there are other amendments proposing to substitute for "other persons" the words "Government reporters". As a matter of fact, I can assure the House that the only object of the words "other persons" is to enable the Government reporters to be sent there, because there may be Government reporters who are not police officers, and that is the reason why we have put in "other persons." You may say, why not accept "Government reporters", but somebody may raise an objection that a certain person is not a Government reporter, and thereby prevent a man from attending the meeting. We cannot give a proof then and there, and legal objection may be taken that he is not a reporter—(Dr. SURESH CHANDRA BANERJEE: But let him pay for the ticket.)—But that is not the main point: the main point is that nobody is going to be put at a disadvantage for the simple reason that none but Government reporters will go, and they will be either police officers or Government reporters; no one else will be allowed to take advantage of this section—(Rai HARENDRA NATH CHAUDHURI: If so, just mention it in the Bill)—I am coming to that later on. Sir, as I said, it is impossible in any Bill to provide against any and every possible eventuality. You have got to assume that these things are going to be administered by responsible officers, and so nothing will be done which is not absolutely proper and fair and just. As I said, the whole thing is so unimportant that I am sure there would have been no necessity for all this if it had not been that some people found it rather a profitable and rather an amusing way of just giving a deal to the police and of just keeping them away from entrance. The police cannot break the law. I maintain, Sir, that this is really what we have provided against, and I am sure after this there will never be an occasion to use it because as in the past nobody ever objected to the

presence of the police, so I hope nobody will object to their presence in future as well. I may say in reply to the speech of Rai Harendra Nath Chaudhuri that the only reason why it has been necessary to do it is because people feel that we have got responsible government and we can give them a little trouble until they get tired, and so we won't stand this any more. That is why we are having this sort of thing. I feel that they are all in a way quite legitimate, but at the same time I feel that if the police are there no harm will be done, nor any disadvantage created to anybody.

So far as "other persons" are concerned, you can never expect that Government will catch hold of outsiders and give them a prominent place—(Maulvi ABU HOSSAIN SARKAR: And not other persons with regulation *lathis*?)—No, Sir. If they do, you can come here and ask me questions, and you can rest assured that regulation *lathis* will fall on the head of those who do it.

Sir, I would reply to Mr. Chippendale that so far as the amendment "and/or" is concerned, our expert draftsmen of the Legislative Department think that we can never have "and/or".

**Mr. J. W. CHIPPENDALE:** But in every country you will find this "and/or".

**Rai HARENDRA NATH CHAUDHURI:** It is in form in conveyances but not in bills.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** Sir, Mr. Rai Chaudhuri says that it is in form in conveyances but usually not in bills. That is why it is not always so. We find it difficult to accept it, otherwise we would have been very glad to accept his amendment.

The motion of Dr. Suresh Chandra Banerjee that in clause 2, proposed section 62D, in line 2, after the words "in writing" the words "which shall be conveyed to the parties concerned at least six hours before the declared time for the holding of the meeting" be inserted, was then put and lost.

The motion of Mr. Nikunja Behari Maiti that in clause 2, proposed section 62D, line 5, for the words "Head Constable" the words "Sub-Inspector of Police" be substituted, was then put and a division taken with the following result—

**AYES—54.**

Abdel Wahed, Maulvi
Abu Hossain Sarkar, Maulvi.
Asaf Ali, Mr. M.
Ahmed Khan, Mr. Syed.
Banerji, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Promhari.
Barman, Babu Shyama Prosad.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Kanik Lal.
Biswas, Mr. Satendra Nath.
Bose, Mr. Sarat Chandra.

Chakrabarty, Babu Narendra Narayan.
Chaudhuri, Rai Harendra Nath.
Chippendale, Mr. A. W.
Das, Babu Nalini Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose, Mr. Atul Krishna.
Ghuznavi, Mr. Abdul Karim.
Gilchrist, Mr. R. N.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Mitra, Mr. Surendra Mohan.
Maji, Mr. Ashwika Kumar.
Majumdar, Mrs. Hemprova.
Mal, Mr. Isdar Chandra.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Krishna Prasad.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mukerji, Mr. Shirindra Narayan.
Mukherji, Dr. Bharat Chandra.
Mullick, Srijut Atindra.
Nawab Ali, Mr. Syed.
Pain, Mr. Baroda Prosanna.
Prankanik, Mr. Kanailcharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamakhiskna.
Roy, Mr. Khaheri Pada.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Shamsuddin Ahmed, Mr.
Sinha, Srijut Maniendra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.

NOES—92.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr. Mia.
Abdul Hakim, Maulvi.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. alias Lal Miah.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi, Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Hossain Joardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi.
Amir Ali Mia, Maulvi Md.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.
Birkmyre, Sir, Henry Bart.
Blomfield, Mr. L. M.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edgar, Mr. Upendranath.
French, Mr. F. N.
Gomes, Mr. S. A.
Griffiths, Mr. G.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Bansa.
Hafizuddin Choudhury, Maulvi.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., B.A., B.L.
Hatemally Jamadar, Khan Sahib Maulvi,
Hawkings, Mr. A. G.
Hendry, Mr. Davis.
Idris Ahmed Mia, Maulvi.
Jainuddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. L. G.
MacGregor, Mr. G. G.
Mahiuddin Ahmed, Maulvi.
Mahipendra Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Maniruddin Akhand, Maulvi.
Marindin, Mr. F. J.
Millar, Mr. G.
Morgan, Mr. G., C. I. E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharruf Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Paterson, Mr. E. A.
Raikut, the Hon'ble Mr. Hassanan Beh.
Rajibuddin Tarafdar, Maulvi.
Razzer Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Sahab Alam, Mr. Syed.
Sanaullah, Al-Haj Maulana Dr.
Sarker, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. S. M.
Serajul Islam, Mr.
Shamsuddin Ahmed Khondkar, Mr.
Sircar, Babu Lalit Mohan.

Biswas, Mr. J. N.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Maj.
Walker, Mr. W. A. M.

The Ayes being 54 and the Noes 92, the motion was lost.

The motion of Mr. J. W. Chippendale that in clause 2, proposed section 62D, line 5, for the word "or" the words "and/or" be substituted, was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in clause 2, proposed section 62D, lines 5 and 6, the words "or other persons" be omitted, was then put and lost.

The motion of Dr. Suresh Chandra Banerjee that in clause 2, proposed section 62D, lines 5 and 6, for the words "other persons" the words "Government reporters" be substituted, was then put and a division taken with the following result:—

**AYES.—50.**

Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Khan, Mr. Syed.
Basu, Mr. P.
Banerji, Mr. Satya Priya.
Banerjee, Dr. Suresh Chandra.
Barma, Babu Premhari.
Barman, Babu Shyama Prosad.
Bhawmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Babu Narendra Narayan.
Chaudhuri, Rai Harendra Nath.
Chippendale, Mr. J. W.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Datta, Mr. Dhirendra Nath.
Emdadul Haque, Kazi.
Ganguly, Mr. Pratul Chandra.
Ghose Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Kundu, Mr. Nibitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Mr. Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mal, Mr. Iswar Chandra.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukherji, Dr. Sharat Chandra.
Mallick, Srijut Ashutosh.
Musher Ali, Mr. Syed.
Pain, Mr. Sarada Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Shamsuddin Ahmed, Mr.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.

**NOES—91.**

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz, Mr.
Abdul Hakim, Maulvi
Abdul Hamid, Mr. A.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr. Alhaj Lal Begh.
Abdul Karim, Mr
Abdul Latif Biswas, Maulvi.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rashood, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Razzak, Maulvi
Abdus Shaheed, Maulvi Md
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Hosain Jeardar, Maulvi.
Ahmed Ali Emayetpuri, Khan Bahadur Maulana
Ahmed Ali Mridha, Maulvi
Ahmed Hosain, Mr.
Alimuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Khan Sahib Maulvi
Amir Ali Bia, Maulvi Md.
Ashrafuddin, Mr. M.
Asiad Hossain Khan, Maulvi.
Azhar Ali, Maulvi.

Birkmyre, Sir, Henry, Bart.
Blomenstock, Mr. L. M.
Clark, Mr. I. A.
Das, Mr. Anukul Chandra.
Das, Rai Sahib Kirit Bhusan.
Edbar, Mr. Upendranath.
French, Mr. F. H.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs., M. B. E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkings, Mr R. J.
Hendry, Mr. David.
Idris Ahmed Mia, Maulvi.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Kabiruddin Khan, Khan Bahadur Maulvi.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadur Maulvi
Mandal, Mr. Birat Chandra.
Maniruddin Akhand, Maulvi
Morindin, Mr. F. J.
Morgan, Mr G., C.I.E.
Mostom Ali Mollah, Maulvi
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Israil, Maulvi.
Muhammad Siddique, Khan Bahadur Dr. Syed.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr Putin Behary.
Mushorruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsal Haque, Mr. Syed
Nandy, the Maharaja Srischandra, of Cossimbazar.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E
Paterson, Mr E.
Raikut, the Hon'ble Mr Prasanna Deb
Rajibuddin Tarafdar, Maulvi.
Razaur Rahman Khan, Mr
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Patiram.
Sadaruddin Ahmed, Mr.
Saheb Alam, Mr. Syed.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sasseen, Mr. R. M.
Serajul Islam, Mr.
Shamsuddin Ahmed Khondkar, Mr
Sirdar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, the Hon'ble Mr.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W A. M.
Yousuf Mirza,

The Ayes being 50 and the Noes 91, the motion was lost.

The motion of Dr. Suresh Chandra Banerjee that in clause 2, proposed section 62D, in line 7, after the words "public meeting" the words "in which admission is not by tickets" be inserted, was then put and lost.

The question that clause 2 stand part of the Bill was then put and agreed to.

*Clause 3.*

**Mr. J. W. CHIPPENDALE:** Sir, may I move my amendment?

**Mr. SPEAKER:** Your amendment is exactly the same as your amendment for Calcutta on which you have been defeated. So, is it any use for your pursuing it for the suburbs? I am anxious to finish the debate before the prayer time.

**Mr. J. W. CHIPPENDALE:** Sir, I would like to say a few things about this amendment.

**Mr. SPEAKER:** Do you think it will carry weight?

**Mr. J. W. CHIPPENDALE:** I hope so.

Sir, I beg to move that in clause 3, proposed section 39D, line 5, for the word "or" the words "and or" be substituted.

Sir, I advanced a certain line of argument in dealing with the first section. Now, in looking at this section, I would ask Government to look at the wording of the section. Nobody is deputed to go there and take down any notes or make a report. What the section says is "to cause" or "causing a report to be taken". These are very significant words. I did not speak about this when I last spoke——

**Mr. SPEAKER:** That has got nothing to do with this amendment.

**Mr. J. W. CHIPPENDALE:** The object is to depute a police officer or other persons to take down notes. It is now sought to be laid down that the Commissioner of Police can make an order. In that order he can write down the name of a police officer as well as of a stenographer, and I say he cannot do it under this section. If he does so, that will be for the court to decide if it stands. Therefore the object of this section is not to make a report, not to write a report, not to reproduce, but to cause a report to be taken and in doing so, the Commissioner of Police cannot depute both a head constable and a stenographer. He can depute either a stenographer or a constable.

**Rai HARENDRA NATH CHAUDHURI:** I beg to move that in clause 3, proposed section 39D, in lines 5 and 6, the words "or other persons" be omitted.

I would only say that the arguments advanced in support of my previous amendment have greater force in connection with the suburban areas even if they are deemed less forceful so far as the city areas are concerned. The Hon'ble Sir Nazimuddin will consider whether the suburban areas and the city areas stand on the same footing in this matter or not?

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I have nothing further to add to what I have already stated. There is no difference between the suburban areas and Calcutta.

The motion of Mr. J. W. Chippendale that in clause 3, in proposed section 39D, for the words "Head Constable" the words "Sub-Inspector of Police" be substituted was then put and lost.

The motion of Rai Harendra Nath Chaudhuri that in clause 3, proposed section 39D, in lines 5 and 6 the words "or other persons" be omitted was then put and lost.

The question that clause 3 stand part of the Bill was then put and agreed to.

The question that the preamble stand part of the Bill was then put and agreed to.

**The Hon'ble Khwaja Sir NAZIMUDDIN:** I beg to move that the said Bill as settled in the Assembly be passed.

The motion was then put and agreed to.

## Bengal Dentists Bill, 1939.

**The Hon'ble Mr. TAMIZUDDIN KHAN:** I beg to move that the Bengal Dentists Bill, 1938, as amended by the Bengal Legislative Council, be taken into consideration.

I want to make a few observations. The honourable members will kindly recall that the Bill was originally passed by this House on the 17th of August, 1938. The two amendments referred to are in clauses 20 and 25 and in the schedule. So far as the amendments in clauses 20 and 25 are concerned, they are of a formal character. These have been made only to make the intention more clear. As regards the last amendment in the schedule that is for the purpose of making it clear whether those who got themselves registered under the Bengal Medical Act should have to go through the same course of study prescribed for other persons or they should have to go through a modified course. It has been found desirable that those persons who are already registered under the Bengal Medical Act should not go through the full course, but through a modified course.

The motion that the amendments to the Bengal Dentists Bill, 1938, be taken into consideration was put and agreed.

The question that the Bengal Legislative Assembly agrees to the amendments made by the Bengal Legislative Council was then put and agreed to.

**Mr. SPEAKER:** That finishes to-day's business.

I have only to announce that the Hon'ble Minister in charge of the Calcutta Municipal (Amendment) Bill, 1939, has given notice that he will move that the amendments made by the Bengal Legislative Council be taken into consideration. That will be taken up on the 6th July, and any amendments which the members might give on that might be given by the 3rd of July, 1939, by 3 p.m.

As regards the questions I might say that we have now been able to find out. So far as the question of Mr. Nagendra Nath Sen is concerned I find that it was received in our office on the 22nd, necessary orders were passed on the 22nd and the question was sent to the department concerned and copy sent to the member on the 23rd. We have not yet heard anything from the department.

**Dr. NALINAKSHA SANYAL:** Are you satisfied that the question was received on the 22nd?

**Mr. SPEAKER:** Yes.

**Dr. NALINAKSHA SANYAL:** It might have been discovered on the 22nd.

**Mr. SPEAKER:** I think Dr. Sanyal knows more of my office secrets than myself. (Laughter.)

## Adjournment.

The House was then adjourned till 4-45 p.m. on Thursday, the 6th July, 1939, in the Assembly House, Calcutta.

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# Index to the

# Bengal Legislative Assembly Proceedings.

## (Official Report.)

### Vol. LIV—No. 11—Fifth Session, 1939.

### 22nd, 23rd, 26th, 27th and 28th June, 1939.

[(Q.) Stands for question.]


**Abdul Bari, Maulvi**

Bengal Money-lenders Bill, 1939: pp. 67-70.

**Abdul Hafiz, Mr. Mirza**

Reservation of seats for Muslim students in the Government Commercial Institute, Calcutta: (Q.) pp. 146, 206.

Students who have secured appointments after passing from the Government Commercial Institute, Calcutta: (Q.) p. 52.

**Abdul Jabbar, Maulvi**

Delayed publication of nomination for the Board of Municipal Commissioners, Dinajpur. (Q.) p. 94.

**Abdur Rahman Siddiqi, Mr.**

Bengal Money-lenders Bill, 1939. pp 45-47, 172-176.

Point of Order regarding right of address after a division has been granted by the Chair: p. 128.

**Abdur Razzak, Maulvi**

Tour of Subdivisional Officers: (Q.) p. 6.

**Abu Hossain Sarkar, Maulvi**

Bengal Money-lenders Bill, 1939: pp. 65-67, 104, 116-117, 119-120.

Relief work in Gaibandha subdivision, Rangpur: (Q.) p. 199.

**Adjournment of the House:** pp. 51, 90, 145, 187, 229.

**Ahmed Hossain, Mr.**

The Bengal Money-lenders Bill, 1939: pp. 50-51.

**Ahmed Khan, Mr. Syed**

Bengal Money-lenders Bill, 1939: pp. 166-167.

**Anti-malaria flushing**

Theory of Bentley-Willcox: (Q.) p. 92.

**Appointments**

Students who have secured—after passing from the Government Commercial Institute, Calcutta: (Q.) p. 52.

**Asimuddin Ahmed, Mr.**

Bengal Money-lenders Bill, 1939: pp. 63-65.

**Assistant Superintendent**

Post of—, Rangpur Technical School. (Q.) p. 93.

**Attendance:** pp. 1, 52, 91, 146, 188.

**Auditors**

Of Co-operative Societies, Rampurhat, Birbhum: (Q.) p. 60.


Gratis

**Bakarganj**

Distress in Northern—: (Q.) p. 196.

**Banerjee, Dr. Suresh Chandra**

Calcutta and Suburban Police (Amendment) Bill, 1939, as passed by the Bengal Legislative Council: pp. 216-217.

Formation of trade unions: (Q.) p. 16.

**Banerji, Mr. P.**

Conduct of Tahsildars and Circle Officers of Patharghata Circle of Panihata Wards Estate: (Q.) p. 193.

**Barman, Babu Upendra Nath**

Bengal Money-lenders Bill, 1939: pp. 106, 117.

**Basu, Mr. Jatindra Nath**

The Bengal Money-lenders Bill, 1939: pp. 42-45, 105-106, 126-127, 130.

**Bentley-Willcox**

Anti-malaria flushing theory of—: (Q.) p. 92.

**Bell-Hart, Miss P. B.**

East Indian Railway Employees' Co-operative Credit Society: (Q.) p. 59.

**Bengal Dentists Bill, 1939:** p. 228.

**Bengal Mainamati Survey School, Comilla**

Use of newspapers by the students of —: (Q.) p. 2.

**Bengal Money-lenders Bill, 1939**

Clauses 28, 39 and 41: pp. 18-51.

Clauses 29 and 39: pp. 61-90.

Clause 34: pp. 97-145, 147-167.

**Bidyadhari spill area**

Working of the Fishermen's Co-operative Society, Ltd.: (Q.) p. 57.

**Bill**

Bengal Dentists—, 1939: p. 228.

The Bengal Money-lenders—, 1939: pp. 18-51, 61-90, 97-145, 147-187.

Calcutta and Suburban Police (Amendment)—, 1939, as passed by the Bengal Legislative Council: pp. 210-228.

**Biswas, Mr. Rasik Lal**

The Bengal Money-lenders Bill, 1939: pp. 47-49.

**Biswas, Mr. Surendra Nath**

Bengal Money-lenders Bill, 1939: pp. 153-154.

**Bogra**

Purpose of Registrar of Co-operative Societies' visit at—: (Q.) p. 10.

**Bose, Mr. Sarat Chandra**

Bengal Money-lenders Bill, 1939. pp. 179-182.

**Bridge**

Over river Marasati in Rangpur district: (Q.) p. 202.

**Calcutta and Suburban Police (Amendment) Bill, 1939**

As passed by the Bengal Legislative Council: pp. 210-228.

**Chakrabarty, Mr. Jatindra Nath**

Bridge over river Marasati in Rangpur district: (Q.) p. 202.

**Chaudhuri, Rai Harendra Nath**

Bengal Money-lenders Bill, 1939: pp. 103-104, 120-122, 139-141.

Calcutta and Suburban Police (Amendment) Bill, 1939, as passed by the Bengal Legislative Council: pp. 216, 220-221, 227.

**Chippendale, Mr. J. W.**

Calcutta and Suburban Police (Amendment) Bill, 1939, as passed by the Bengal Legislative Council: pp. 216-219, 227.

**Comma**

Use of newspapers by the students of Bengal Mamamati Survey School, —: (Q.) p. 2.

**Complaints**

Made against Co-operative Credit Department: (Q.) p. 96.

**Conduct**

Of Tahsildars and Circle Officers of Patharghata Circle of Panihata Wards' Estate: (Q.) p. 193.

**Co-operative Bank Fraud Case**

Hooghly Central— (Q.) p. 11.

**Co-operative Credit Department**

Complaints made against— (Q.) p. 96.

**Co-operative Credit Society**

East Indian Railway Employees—: (Q.) p. 59.

**Co-operative Societies**

Auditors of—, Rampurhat, Birbhum: (Q.) p. 60.

**Co-operative Society, Limited**

Working of the Bidyadhari Spill Area Fishermen's—: (Q.) p. 57.

**Das Gupta, Sj. Narendra Nath**

Distress in Northern Bakarganj: (Q.) p. 196.

Bengal Money-lenders Bill, 1939: pp. 61-63.

**Datta, Mr. Dhirendra Nath**

The Bengal Money-lenders Bill, 1939: pp. 33-35, 81-83.

**Deaths**

Due to starvation and necessity for gratuitous relief and agricultural loans in Tippera: (Q.) p. 188.

**Delayed publication of nominations**

For the Board of Municipal Commissioners, Dinajpur: (Q.) p. 94.

**Dinajpur**

Delayed publication of nominations for the Board of Municipal Commissioners, —: (Q.) p. 94.

**Distress**

In Northern Bakarganj: (Q.) p. 196.

**Divisions:** pp. 75-79, 142-143, 223-226.

**East Indian Railway**

Employees' Co-operative Credit Society: (Q.) p. 59.

**Faziul Quadir, Khan Bahadur, Maulvi**

Piece-goods for Government hospitals and dispensaries: (Q.) p. 91.

**Faziul Huq, the Hon'ble Mr. A. K.**

Students who have secured appointments after passing from Government Commercial Institute, Calcutta: (Q.) pp. 52-56.

**Filling up of post**

Of Marketing and Publicity Officer of Industries Department: (Q.) p. 1.

**Formation of trade unions:** (Q.) p. 16.

**Government Commercial Institute, Calcutta**

Reservation of seats for Muslim students in—: (Q.) pp. 146, 206.

Students who have secured appointments after passing from—: (Q.) p. 52.

**Government hospitals and dispensaries**

Piece-goods for—: (Q.) p. 91.

**Gratuitous relief and agricultural loans in Tippera**

Deaths due to starvation and necessity for—: (Q.) p. 188.

**Gupta, Mr. J. N.**

The Bengal Money-lenders Bill, 1939: pp. 49-50.

**Habibullah, the Hon'ble Nawab Bahadur K., of Dacca**

Delayed publication of nominations for the Board of Municipal Commissioners, Dinajpur: (Q.) p. 94.

Filling up of the post of Marketing and Publicity Officer of Industries Department: (Q.) p. 2.

Nominations for the Sundalpur Union Board, Tippera: (Q.) p. 95.

Post of Assistant Superintendent, Rangpur Technical School: (Q.) p. 93.

Reservations of seats for Muslim students in the Government Commercial Institute, Calcutta: (Q.) p. 147.

Use of newspapers by the students of Bengal Mainamati Survey School, Bengal: (Q.) p. 3.

**Hendry, Mr. David**

Bengal Money-lenders Bill, 1939: pp. 30-31.

**Hooghly**

Central Co-operative Bank Fraud Case: (Q.) p. 11.

**Industries Department**

Filling up of the post of Marketing and Publicity Officer of—: (Q.) p. 1.

**Inspector of Co-operative Societies**

Mr. A. Halim: (Q.) p. 14.

**Jalaluddin Hashemy, Mr. Syed**

The Bengal Money-lenders Bill, 1939: pp. 39-42.

**Jalan, Mr. I. D.**

Bengal Money-lenders Bill, 1939: pp. 111, 122-123, 134-136, 141.

**Jonab Ali Mazumdar, Maulvi**

Deaths due to starvation and necessity for gratuitous relief and agricultural loans in Tippera: (Q.) p. 188.

**Khaitan, Mr. Debi Prosad**

Bengal Money-lenders Bill, 1939: pp. 24-27, 83-85, 163-165.

**Kundu, Mr. Nishitha Nath**

The Bengal Money-lenders Bill, 1939: pp. 35-37.

**Mafizuddin Ahmed, Dr.**

Filling up of the post of Marketing and Publicity Officer of Industries Department: (Q.) p. 1.

Post of Assistant Superintendent, Rangpur Technical School: (Q.) p. 93.

**Mainamati Survey School, Comilla**

Use of newspapers by the students of, Bengal—: (Q.) p. 2.

**Maiti, Mr. Nikunja Behari**

Calcutta and Suburban Police (Amendment) Bill, 1939, as passed by the Bengal Legislative Council: pp. 216, 219-220.

**Marketing and Publicity Officer of Industries Department**

Filling up of the post of—: (Q.) p. 1.

**Message from the Bengal Legislative Council**

Regarding the Calcutta Municipal (Amendment) Bill, 1939: p. 209.

**Money-lenders Bill, 1939**

The Bengal—: pp. 18-51, 61-90, 97-145, 147-187.

**Mozzammel Huq, Maulvi Md.**

Bengal Money-lenders Bill, 1939. pp. 168-172.

**Muhammad Siddique, Khan Bahadur, Dr. Syed**

Purpose of Registrar of Co-operative Societies' visit at Bogra: (Q.) p. 10.

**Mukerji, Mr. Dhirendra Narayan**

Mr. A. Halim, Inspector of Co-operative Societies. (Q.) pp. 14-15.

Auditors of Co-operative Societies, Rampurhat, Birbhum: (Q.) p. 60.

Complaints made against Co-operative Credit Department (Q.) p. 96.

Hooghly Central Co-operative Bank Fraud Case: (Q.) p. 11.

**Mullick, Sj. Ashutosh**

Working of the Bidyadhari Spill Area Fisherman's Co-operative Society, Limited: (Q.) p. 57.

**Mullick, the Hon'ble Mr. Mukunda Behary**

Mr. A. Halim, Inspector of Co-operative Societies: (Q.) p. 15.

Auditors of Co-operative Societies, Rampurhat, Birbhum: (Q.) p. 60.

Complaints made against Co-operative Credit Department: (Q.) p. 96.

East Indian Railway Employees' Co-operative Credit Society: (Q.) p. 59.

Hooghly Central Co-operative Bank Fraud Case: (Q.) p. 11.

**Mullick, the Hon'ble Mr. Mukunda Behary —*contd.***

Purpose of Registrar of Co-operative Societies' visit at Bogra: (Q.) p. 11.

Working of the Bidyadhari Spill Area Fishermen's Co-operative Society, Limited: (Q.) p. 58.

**Municipal Commissioners**

Delayed publication of nominations for the Board of —, Dinajpur: (Q.) p. 94.

**Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur**

Bengal Money-lenders Bill, 1939: pp. 160-162.

**Muslim students**

Reservation of seats for—in the Government Commercial Institute, Calcutta: (Q.) pp. 146, 206.

**Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar**

Anti-malaria flushing theory of Bentley-Willcox: (Q.) pp. 92-93.

Bridge over river Marasati in Rangpur district: (Q.) p. 202.

**Nazimuddin, the Hon'ble Khwaja Sir**

Calcutta and Suburban Police (Amendment) Bill, 1939 as passed by the Bengal Legislative Council: pp. 210-216, 221-223.

Tour of Subdivisional Officers: (Q.) p. 6.

**Nominations**

Delayed publication of—for the Board of Municipal Commissioners, Dinajpur: (Q.) p. 94.

For the Sundalpur Union Board, Tippera: (Q.) p. 94.

**Panihata Wards Estate**

Conduct of Tahsildars and Circle Officers of Patharghata Circle of—: (Q.) p. 193.

**Piece-goods**

For Government hospitals and dispensaries: (Q.) p. 91.

**Post**

Of Assistant Superintendent, Rangpur Technical School: (Q.) p. 93.

**Purpose**

Of Registrar of Co-operative Societies' visit at Bogra: (Q.) p. 10.

**Ramizuddin Ahmed, Mr.**

Bengal Money-lenders Bill, 1939: p. 106.

Nominations for the Sundalpur Union Board, Tippera: (Q.) p. 94.

**Rangpur**

Bridge over river Marasati in—district. (Q.) p. 202.

**Rangpur Technical School**

Post of Assistant Superintendent, —. (Q.) p. 93.

**Rangpur**

Relief work in Gaibandha subdivision (Q.) p. 199.

**Registrar of Co-operative Societies**

Purpose of—visit at Bogra: (Q.) p. 10.

**Reservation of seats**

For Muslim students in the Government Commercial Institute, Calcutta. (Q.) pp. 146, 206.

**Roy, the Hon'ble Sir Bijoy Prasad Singh**

Conduct of Tahsildars and Circle Officers of Patharghata Circle of-Panihata Wards Estate: (Q.) p. 194.

Deaths due to starvation and necessity for gratuitous relief and agricultural loans in Tippera: (Q.) p. 189.

Distress in Northern Bakarganj: (Q.) p. 197.

Relief work in Gaibandha subdivision, Rangpur: (Q.) p. 199.

**Roy, Mr. Patiram**

Anti-malaria flushing theory of Bentley-Willcox: (Q.) p. 92.

**Sanyal, Dr. Nalinaksha**

Bengal Money-lenders Bill, 1939: pp. 109-110, 115, 132-133, 136-138.

**Sen, Babu Nagendra Nath**

The Bengal Money-lenders Bill, 1939: pp. 37-39.

**Shahed Ali, Mr.**

Bengal Money-lenders Bill, 1939. pp. 105, 123-125.

**Speaker, Mr. (the Hon'ble Khan Bahadur, M. Azizul Haque, C.I.E.) Rulings and observation on**

The Bengal Money-lenders Bill, 1939: pp. 110, 116, 128.

The conduct of the debate regarding the Bengal Money-lenders Bill, 1939 p. 32.

Reflection on the Chair made by Dr. Nalinaksha Sanyal: p. 170.

**Students**

Who have secured appointments after passing from the Government Commercial Institute, Calcutta: (Q.) p. 52.

**Subdivisional Officers**

Tour of—: (Q.) p. 6.

**Suhrawardy, the Hon'ble Mr. H. S.**

Bengal Money-lenders Bill, 1939: pp. 18-19, 70-75, 81, 85-88, 97-103, 114-115, 120, 125, 128, 131, 138-139, 141, 159, 182-186.

Formation of trade unions: (Q.) pp. 16-17.

**Sundalpur Union Board, Tippera**

Nominations for—: (Q.) p. 94.

**Sur, Mr. Harendra Kumar**

Bengal Money-lenders Bill, 1939. pp. 27-30.

Use of newspapers by the students of Bengal Mainamati Survey School, Comilla: (Q.) p. 2.

**Tahsildars and Circle Officers**

Conduct of—of Patharghata Circle of Panibata Wards Estate: (Q.) p. 193.

**Tamizuddin Khan, the Hon'ble Mr.**

Bengal Dentists Bill, 1939: p. 228.

Piece-goods for Government hospitals and dispensaries: (Q.) p. 91.

**Tippera**

Deaths due to starvation and necessity for gratuitous relief and agricultural loans in—: (Q.) p. 188.

**Tour**

Of Subdivisional Officers: (Q.) p. 6.

**Trade Unions**

Formation of—: (Q.) p. 16.

**Use of newspapers**

By the students of Bengal Mainamati Survey School, Comilla: (Q.) p. 2

**Walker, Mr. W. A. M.**

Bengal Money-lenders Bill, 1939: pp. 177-178.

**Working**

Of the Bidyadhari Spill Area Fishermen's Co-operative Society, Ltd.: (Q.) p. 57.

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